Supreme Court, U.S.
FILED
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(1) (6)

Nos. 95-1455 and 95-1503

In the Supreme Court of the United States

OCTOBER TERM, 1995

JANET RENO, ATTORNEY GENERAL
OF THE UNITED STATES, APPELLANT

v.

BOSSIER PARISH SCHOOL BOARD

GEORGE PRICE, ET AL., APPELLANTS

v.

BOSSIER PARISH SCHOOL BOARD

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JOINT APPENDIX

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Notice of Appeal Filed December 27, 1995
Probable Jurisdiction Noted June 3, 1996

300 pp
4 x 10

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Docket for Case #:
94-CV-1495

BOSSIER PARISH SCHOOL BOARD, PLAINTIFF

v.

JANET RENO, DEFENDANT
GEORGE PRICE, AND NINE OTHERS,
INTERVENOR-DEFENDANT

Assigned to: Judge Charles R. Richey
Circuit Judge Laurence H. Silberman
Judge Gladys Kessler
Referred to: Three Judge Panel

Demand: $0,000 Nature of Suite: 890
Lead Docket: None Jurisdiction: US Defendant
Dkt# in other court: None

Cause: 42:1973 Voting Rights Act
Case type: 1. civil 2. null

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CLIFFORD DOSS intervenor-defendant	Samuel L. Walters (See above) [COR LD NTC ret]

JERRY HAWKINS intervenor-defendant	Samuel L. Walters (See above) [COR LD NTC ret]
ODIS EASTER intervenor-defendant	Samuel L. Walters (See above) [COR LD NTC ret]
BARBARA STEVENS KING intervenor-defendant	Samuel L. Walters (See above) [COR LD NTC ret]
HURIE JONES intervenor-defendant	Samuel L. Walters (See above) [COR LD NTC ret]
GROVER CLEVELAND JAGGERS intervenor-defendant	Samuel L. Walters (See above) [COR LD NTC ret]
FLOYD MARSHALL intervenor-defendant	Samuel L. Walters (See above) [COR LD NTC ret]
RUBIE FOULER intervenor-defendant	Samuel L. Walters (See above) [COR LD NTC ret]

7/8/94	1	ORDER by Chief Judge John G. Penn: authorizing James J. Thornton, Jr. to appear in this Court in behalf of Bossier Parish for the sole and limited purpose of representing the School Board in its request for a declaratory judgment approving its redistricting plan as being in conformity with the Voting Rights Act of 1965 and the Constitution of the United States. (N) (jeb) [Entry date 07/14/94]
7/8/94	2	COMPLAINT filed by plaintiff(s) BOSSIER PARISH (jeb)[Entry date 07/14/94]
7/8/94	—	SUMMONS(2) issued to federal party(s) defendant JANET RENO, and non-parties: U.S. Attorney and U.S. Attorney General. (jeb) [Entry date 07/14/94]
7/14/94	—	MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff(s) BOSSIER PARISH. (jeb)
7/14/94	—	MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff(s) BOSSIER PARISH. (jeb)
7/25/94	3	ORDER by Judge Charles R. Richey: directing Clerk of Court to make copies of the complaint and this order and provide them to the U.S. Marshals' Service for service of same upon the AUSA; directing AUSA to show cause why this case is cognizable in this Court and whether a three-Judge Court should be convened, and response to show cause due 4:00 7/29/94; (N) (jeb)

7/26/94	—	SHOW CAUSE issued to defendant JANET RENO (James Thornton, Office of Asst. Attorney General). (dbw) [Entry date 07/28/94]
7/29/94	5	RESPONSE by defendant JANET RENO to Court's show cause order [4-1] (cjp) [Entry date 08/03/94]
8/1/94	4	ORDER by Judge Charles R. Richey: directing that pursuant to 42 USC 1973c, a Three Judge District Court shall be convened to hear and determine this action for declaratory judgment under Section of the Voting Rights Act of 1965, as amended; referring case to the Chief Judge of the USCA for appointment of the other two members of the three judge panel. (N) (jeb)
8/5/94	6	COPY of Order filed in USCA dated 8/4/94, designating Laurence H. Silberman, Circuit Judge, Gladys Kessler, District Judge, to serve with Charles R. Richey, District Judge, to hear and determine this action. (gt)
8/5/94	—	CASE ASSIGNED to Three Judge Panel consisting of: District Judge Charles R. Richey, Circuit Judge Laurence H. Silberman and District Judge Gladys Kessler. (gt)
8/11/94	7	RETURN OF SERVICE/AFFIDAVIT executed upon Asst. U.S. Attorney General on 8/8/94 (lpp) [Entry date 08/17/94]

8/11/94	8	RETURN OF SERVICE/AFFIDAVIT executed on 8/3/94 upon James J. Thornton, Esquire, pursuant to Court Order. (lpp) [Entry date 08/17/94]
8/22/94	—	STATUS HEARING before Judge Charles R. Richey & Judge Gladys Kessler: discovery due 10/14/94; plaintiff's dispositive motions due 4:00 10/26/94; defendant and applicant intervenor defendant's response to dispositive motions due 4:00 11/9/94; plaintiff and defendant to file views on the aspect of the South Carolina Case due 8/24/94 by 4:00 p.m; applicant intervenor defendant to file views on case on 8/26/94 by 4:00 p.m. Reporter: Frank Rangus (jeb)
8/22/94	9	MOTION filed by movant GEORGE PRICE and (9) nine others for leave to intervene Attachments (2), EXHIBIT: ANSWER (lpp) [Entry date 08/24/94]
8/23/94	10	MEMORANDUM by defendant JANET RENO; attachments (5) (clv) [Entry date 08/25/94]
8/23/94	11	TRANSCRIPT filed for date(s) of 08/22/94. Reporter: Frank Rangus (jeb) [Entry date 08/26/94] [Edit date 08/26/94]
8/23/94	13	MEMORANDUM by defendant JANET RENO response to this Court's inquiry at the 8/22/94, status conference as to why this Court should not enter injunctive relief, Exhibit (A), Attachments (6) (lpp) [Entry date 08/30/94]

8/25/94	12	MEMORANDUM by plaintiff(s) BOSSIER PARISH on enjoining proceedings in the Middle District of Louisiana in Knight, et al. v. McKeithen, et al. (jeb) [Entry date 08/26/94]
8/26/94	15	MEMORANDUM by movant GEORGE PRICE for intervention, Exhibit (1) (lpp) [Entry date 09/07/94]
8/31/94	14	ORDER by Judge Charles R. Richey: discovery due 4:00 10/14/94; directing the plaintiff and defendant file briefs on injunction issue due 4:00 p.m. 8/24/94; prospective intervenors to file brief on injunction issue due 8/26/94; granting plaintiff leave to file its brief on injunction issue by facsimile; plaintiff to file briefs and dispositive motions due 4:00 10/26/94; defendant and prospective intervenors to file their briefs and dispositive motions due 4:00 11/9/94; directing parties to submit direct testimony in narrative form (N) (jeb)
9/8/94	16	MEMORANDUM OPINION by Judge Charles R. Richey (N) (jeb)
9/8/94	17	ORDER by Judge Charles R. Richey: granting motion for leave to intervene [9-1] by GEORGE PRICE; advising counsel that the Court shall not issue an injunction at this time, but the Court may revisit this issue at a future time, as may be appropriate. (N) (jeb)

9/8/94	21	ANSWER by Defendants-Intervenors TO COMPLAINT [2-1] . (lpp) [Entry date 09/29/94]
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9/26/94	22	RESPONSE by intervenors in opposition to motion for relieve complainants of duty to answer certain interrogatories and requests for production of documents [20-1] by BOSSIER PARISH, Attachment: (1). (lpp) [Entry date 09/29/94]
10/3/94	23	REQUEST by intervenor GEORGE PRICE for admissions for plaintiff(s) BOSSIER PARISH, Attachments (21) (lpp) [Entry date 10/05/94]
10/6/94	24	ORDER by Judge Charles R. Richey: denying motion for relieve complainants of duty to answer certain interrogatories and requests for production of documents [20-1] by BOSSIER PARISH; granting the defendant-intervenors' objections; denying and overruling the plaintiff's objections (N) (jeb)

10/17/94 25 NOTICE OF FILING by defendant JANET RENO, of an agreed order extending discovery period and certain related filing deadlines, Exhibit (1) (lpp) [Entry date 10/18/94]

10/25/94 26 STIPULATED ORDER by Judge Charles R. Richey: discovery due 10/28/94; plaintiffs' briefs and dispositive motions due 11/9/94; extending time to file proposed findings of fact and conclusions of law due 11/7/94; extending time to 11/23/94 for defendant and defendant-intervenors' briefs and dispositive motions to be filed; (N) (jeb)

11/9/94 27 ORDER by Judge Charles R. Richey: All prior ORders shall remain in full force; Counsel for parties shall Meet Confer hearing set for 4:00 11/18/94, Counsel for parties shall file statements of material facts due by 4:00 11/21/94, and cross motions for summary judgment due 4:00 11/21/94; response to motions for summary judgment due 4:00 11/30/94, reply motions for summary judgment due 4:00 12/5/94; (N) (lpp) [Entry date 11/14/94]

11/9/94 28 ORDER by Judge Charles R. Richey: Meet Confer hearing set for 4:00 11/18/94, statement of material facts which are not in dispute due 4:00 11/21/94;, cross motions for summary judgment due 4:00 11/21/94; response to motion for summary judgment due 4:00 11/30/94 reply motion for summary judgment due 4:00 12/5/94; (N) (lpp) [Entry date 11/14/94]

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12/19/94 38 NOTICE OF FILING by defendant JANET RENO: Final Version of Direct Testimony (14), bulky pleading (lpp) [Entry date 12/21/94]

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12/20/94 40 NOTICE OF FILING by defendant JANET RENO; of disputed portions of direct testimony.; attachments (blj) [Entry date 12/22/94]

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12/22/94 43 NOTICE OF FILING by defendant JANET RENO, intervenor GEORGE PRICE: Filing of Disputed portions of Rebuttal Testimony (2), Attachment (2) (lpp) [Entry date 12/23/94]

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1/10/95	45	ORDER by Judge Charles R. Richey: directing counsel to advise Judge Richey, in writing, by 1/17/95 4:00 p.m. as to whether they consent to having undersigned Judge hear testimony and evidence, and transmit ensuing record to Circuit Judge Silberman and District Judge Kessler for review; upon review, the three Judges shall have oral argument to consider the record and briefs of Counsel; telephonic status hearing set for 2:00 1/18/95 (N) (dbw)
1/18/95	—	STATUS HEARING (TELECONFERENCE) before Judge Charles R. Richey: bench trial set for 10:00 4/10/95 Reporter: Susan Tyner (dbw)
1/18/95	46	ORDER by Judge Charles R. Richey: directing Counsel to meet and confer by 2/20/95 4:00 p.m. and file stipulations of fact and law and evidentiary objections by 3/20/95 4:00 p.m.; exhibit list and witness list due 3/20/95 4:00 p.m.; trial set for 10:00 4/10/95 and continuing the next day thereafter; all prior Orders shall remain in full force and effect (N) (dbw) [Entry date 01/19/95]

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3/20/95	58	STIPULATION filed by Bossier Parish School Board, Plaintiff and Janet Reno, Defendant and George Price et al. Defendant-Intervenors, regarding: Exhibits. (N) (lpp) [Entry date 03/21/95]
3/20/95	59	MOTION filed by defendant JANET RENO to excude exhibit of plaintiff (lpp) [Entry date 03/21/95]
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3/21/95	61	DEPOSITION of Paul Caplis taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/13/94. (lpp) [Entry date 03/23/95]

3/21/95	62	DEPOSITION of James M. Bullers taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 3/21/95. (lpp) [Entry date 03/23/95]
3/21/95	64	DEPOSITION of William Johnston taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/12/94. (lpp) [Entry date 03/23/95]
3/21/95	65	JOINT STATEMENT OF OBJECTIONS by defendant JANET RENO, intervenor GEORGE PRICE to plaintiffs designation of deposition testimony of James Bullers [62-1] by GEORGE PRICE, JANET RENO, BOSSIER PARISH (dcn) [Entry date 03/23/95]
3/21/95	66	WITNESS LIST by defendant JANET RENO, intervenor GEORGE PRICE (dcn) [Entry date 03/23/95]
3/21/95	67	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of James Ramsey taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/13/94. (dcn) [Entry date 03/23/95]
3/21/95	68	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of JAMES ELKINS taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/12/94. (dcn) [Entry date 03/23/95]

3/22/95	69	JOINT STATEMENT OF OBJECTIONS by defendant JANET RENO, intervenor GEORGE PRICE to plaintiffs cross-designations of deposition testimony of school board members (dcn) [Entry date 03/23/95]
3/22/95	70	JOINT DESIGNATION OF PORTIONS OF DEPOSITION TESTIMONY of MARGUERITE HUDSON taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 09/29/94. (dcn) [Entry date 03/23/95]
3/22/95	71	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of JUANITA JACKSON taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/29/94. (dcn) [Entry date 03/23/95]
3/22/95	72	JOINT DESIGNATION OF PORTIONS OF DEPOSITION TESTIMONY of David Harvey taken by defendant JANET RENO, intervenor GEORGE PRICE on 9/30/94. (dcn) [Entry date 03/23/95]
3/22/95	73	JOINT DESIGNATION OF PORTIONS OF DEPOSITION TESTIMONY of BARBARA BAYLOCK taken by defendant JANET RENO, intervenor GEORGE PRICE on BARBARA BLAYLOCK. (dcn) [Entry date 03/23/95]

3/22/95	74	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of RUTH SULLIVAN taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/29/95. (dcn) [Entry date 03/23/95]
3/22/95	75	JOINT DESIGNATION OF PORTIONS OF DEPOSITION TESTIMONY of BARBARA GRAY taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on BARBARA GRAY. (dcn) [Entry date 03/23/95]
3/22/95	76	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of SUSAN BARERRA taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/30/95. (dcn) [Entry date 03/23/95]
3/22/95	77	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of BOYCE HENSLEY taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/30/95. (dcn) [Entry date 03/23/95]
3/22/95	78	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of MICHELLE RODGERS taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/30/95. (dcn) [Entry date 03/23/95]

3/22/95	79	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of HENRY BURNS taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/6/94. (dcn) [Entry date 03/23/95]
3/29/95	80	MOTION filed by defendant JANET RENO the United States seeks permission to subpoena witnesses, attachment (a) (lpp) [Entry date 03/31/95]
4/3/95	81	ORDER by Judge Charles R. Richey: granting motion of the United States seeking permission to subpoena witnesses [80-1] by JANET RENO (N) (dbw)
4/3/95	82	MOTION filed by plaintiff BOSSIER PARISH to add additional counsel, Affidavit (1) (lpp) [Entry date 04/04/95]
4/4/95	85	MOTION filed by intervenor GEORGE PRICE seeking permission to subpoena witnesses (lpp) [Entry date 04/07/95]
4/6/95	83	ENTERED IN ERROR (lpp)
4/6/95	—	Tele-conference before Judge Charles R. Richey: bench trial remains set for 4/10/95 10:00 a.m. Reporter: Susan Tyner (dbw) [Entry date 04/07/95]
4/6/95	84	ORDER by Judge Charles R. Richey: authorizing Frank M. Ferrell to assist as additional attorney of record for complainant in prosecution of its cause in this court [82-1] (N) (dbw) [Entry date 04/07/95]

4/7/95	86	ORDER by Judge Charles R. Richey: granting motion seeking permission to subpoena witnesses [85-1] by GEORGE PRICE (N) (dbw)
4/7/95	88	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of Ruth Sullivan; attachment. (jeb) [Entry date 04/11/95]
4/7/95	89	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of Marquerite Hudson; attachment. (jeb) [Entry date 04/11/95]
4/7/95	90	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of Michelle Rodgers; attachment. (jeb) [Entry date 04/11/95]
4/7/95	91	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of Barbara Blaylock; attachment. (jeb) [Entry date 04/11/95]
4/7/95	92	EXHIBIT list of defendant United States. (jeb) [Entry date 04/11/95]
4/7/95	93	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of David Harvey; attachment. (jeb) [Entry date 04/11/95]
4/7/95	94	NOTICE OF FILING of supplemented direct testimony of S.P. Davis; attachment. (jeb) [Entry date 04/11/95]
4/7/95	95	NOTICE OF FILING of corrected direct testimony of Dr. George Castille; attachment. (jeb) [Entry date 04/11/95]

4/7/95	96	NOTICE OF FILING (jeb) [Entry date 04/11/95]
4/7/95	97	AMENDED JOINT STATEMENT OF OBJECTIONS by defendant JANET RENO, intervenor-defendant GEORGE PRICE to plaintiff's cross-designations of deposition testimony of school board members. (jeb) [Entry date 04/11/95]
4/7/95	98	FINAL STIPULATIONS of fact and law. (jeb) [Entry date 04/11/95] [Edit date 04/11/95]
4/7/95	99	RESPONSE (OPPOSITIONS) by plaintiff BOSSIER PARISH to objection [97-1] by GEORGE PRICE, JANET RENO (lpp) [Entry date 04/12/95]
4/7/95	100	RESPONSE by plaintiff BOSSIER PARISH to motion to excude exhibit of plaintiff [59-1] by JANET RENO (lpp) [Entry date 04/12/95]
4/10/95	—	NON-JURY TRIAL before Judge Charles R. Richey begun and continued to 9:30 4/11/95. Reporter: Susan Tyner (dbw)
4/10/95	87	ORDER by Judge Charles R. Richey: directing counsel not to use word "expert", but instead shall refer to such persons as "opinion" witnesses during trial; Attachment (1) (N) (dbw) [Edit date 04/11/95]
4/11/95	—	NON-JURY TRIAL before Judge Charles R. Richey resumed and concluded; case [0-0] taken under advisement; proposed findings of fact due 5/3/95 4:00 p.m. Reporter: Susan Tyner (dbw) [Edit date 04/11/95]

4/12/95	101	ORDER by Judge Charles R. Richey: proposed findings of fact due 4/28/95; marked-up proposed findings of fact due by 4:00 5/5/95; advising parties that when the Court issues its findings of fact, a briefing and oral argument schedule shall be issued. (N) (dbw)
4/19/95	102	TRANSCRIPTS (2) filed for dates of 4/10/95; 4/11/95. Volumes I and II. Reporter: Susan Page Tyner (bm) [Entry date 04/21/95]
5/5/95	103	NOTICE OF FILING by defendant JANET RENO, intervenor-defendant GEORGE PRICE of marked-up proposed findings of fact and conclusions of law of plaintiff; attachment. (jeb) [Entry date 05/08/95]
5/5/95	104	NOTICE OF FILING by plaintiff BOSSIER PARISH of marked-up proposed findings of fact and conclusions of law of defendant and defendant-intervenor; attachment. (jeb) [Entry date 05/08/95]
5/15/95	105	ORDER by Judge Charles R. Richey: deferring ruling on the facts until after the Opinions are handed down in related cases before the U.S. Supreme Court; directing that on the tenth business day following the Supreme Court's issuance of its opinion in the related cases, counsel for all parties shall file simultaneous briefs on the law as a supplement to the factual supplements already filed; oral argument as to the facts of the law set for 9:30 7/19/95; (N) (jeb)

5/25/95	106	ORDER by Judge Charles R. Richey: setting oral argument as to the facts and the law for 9:30 a.m. 7/27/95 and continuing thereafter until 12:00 p.m. of the same day with the understanding that counsel for all parties shall meet and confer prior to argument to divide up the time among themselves in such manner as they deem fit (N) (dbw)
7/11/95	107	ORDER by Judge Charles R. Richey: reminding counsel, pursuant to Court's Order of 5/15/95, they are [to] file final briefs with respect to further issues herein and the two Supreme Court Opinions entitled US v. Hays and Miller v. Johnson by 4:00 on 7/14/95; directing Clerk of Court to telephone contents of this Order to Counsel for all parties (N) (dbw)
7/12/95	108	SUPPLEMENTAL BRIEF by plaintiff BOSSIER PARISH; attachment (post-trial brief); exhibits (4) (No signature on pleading). (jmf) [Entry date 07/13/95] [Edit date 07/13/95]
7/14/95	109	POST TRIAL BRIEF by defendant JANET RENO (BULKY PLEADING) (jmf) [Entry date 07/18/95]
7/14/95	110	POST TRIAL BRIEF by intervenor-defendant GEORGE PRICE (jmf) [Entry date 07/18/95]
7/24/95	111	NOTICE OF FILING by defendant JANET RENO of unreported decision and errata to post-trial brief; Attachments (2) (ted) [Entry date 07/25/95]

7/27/95	—	ORAL ARGUMENT held before Circuit Judge Laurence Silberman, Judge Charles R. Richey, and Judge Gladys Kessler. Reporter: Susan Tyner (dbw)
8/23/95	112	TRANSCRIPT filed for Oral Argument held on date(s) of July 27, 1995. Reporter: Susan Page Tyner (jmf)
11/2/95	113	MEMORANDUM OPINION FOR THE COURT by Judge Laurence H. Silberman and Judge Charles R. Richey granting plaintiff Bossier Parish School Board the requested declaratory judgment (N); APPENDIX (2) (dbw) [Entry date 11/03/95]
11/2/95	114	MEMORANDUM OPINION by Judge Gladys Kessler concurring in part and dissenting in part (N) (dbw) [Entry date 11/03/95]
11/2/95	115	ORDER by Judge Laurence H. Silberman and Judge Charles R. Richey: plaintiff Bossier Parish School Board shall be, and hereby is, given preclearance for its election plan adopted on October 1, 1992, and shall have a declaratory judgment to that effect (N) (dbw) [Entry date 11/03/95]

12/27/95 116 (ENTERED IN ERROR) NOTICE OF APPEAL by defendant JANET RENO from order plaintiff Bossier Parish School Board shall be, and hereby is, given preclearance for its election plan adopted on October 1, 1992, and shall have a declaratory judgment to that effect [115-1], order [115-2], entered on: November 03, 1995. No fee paid U.S. Gov't; Copies mailed to James J. Thornton, Nancy Sardeson, Gaye L. Hume, Patricia A. Brannan and Samuel L. Walters. (jmf) [Entry date 12/28/95] [Edit date 01/30/96]

12/27/95 119 NOTICE OF APPEAL by defendant JANET RENO to the U.S. Supreme Court from order plaintiff Bossier Parish School Board shall be, and hereby is, given preclearance for its election plan adopted on October 1, 1992, and shall have a declaratory judgment to that effect [115-1], order [115-2], entered on: November 03, 1995. (jmf) [Entry date 01/30/96]

12/28/95 — TRANSMITTED PRELIMINARY RECORD on appeal [116-1] by JANET RENO to U.S. Court of Appeals (jmf)

1/2/96 117 NOTICE OF FILING by defendant JANET RENO of clarification on service of previously filed notice of appeal. (jmf) [Entry date 01/03/96]

1/2/96	118	NOTICE OF APPEAL by intervenor-defendants' to the U.S. Supreme Court from order plaintiff Bossier Parish School Board shall be, and hereby is, given pre-clearance for its election plan adopted on October 1, 1992, and shall have a declaratory judgment to that effect [115-1], entered on: $5.00 filing fee paid. November 03, 1995. (jmf) [Entry date 01/03/96]
3/1/96	120	LETTER received from Supreme Court of the U.S. that the application for extension of time within which to docket an appeal has been granted to and including March 11, 1996 (jmf) [Entry date 03/06/96]
3/4/96	121	LETTER from the Supreme Court of the U.S. that the application for an extension within which to docket an appeal has been granted to and including March 18, 1996. (jmf) [Entry date 03/06/96]

[DOJ letterhead omitted]

May 31, 1990

Ms. Cheryl G. Martin
Secretary-Treasurer
Bossier Parish Police Jury
P. O. Box 68
Benton, Louisiana 71006

Dear Ms. Martin:

This refers to Ordinance No. 3101 (1989) which provides for realignment of voting precincts for Bossier Parish, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on April 2, 1990.

The Attorney General does not interpose any objection to the change in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

John R. Dunne
Assistant Attorney Ceneral
Civil Rights Division

/s/ BARRY H. WEINBERG
By: BARRY H. WEINBERG
Acting Chief, Voting Section

[DOJ letterhead omitted]

July 29, 1991

Mr. James W. Ramsey
Bossier Parish Police Jury
P. 0. Box 68
Benton, Louisiana 71006

Dear Mr. Ramsey:

This refers to the 1991 redistricting plan for the police jury, the precinct realignment, twelve polling place changes, and the creation of seventeen new voting precincts and the polling places therefor for Bossier Parish, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your initial submission on May 28, 1991; supplemental information was received on July 19, 1991.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

John R. Dunne
Assistant Attorney General
Civil Rights Division

/s/ GERALD W. JONES
By: GERALD W. JONES
Chief, Voting Section

[Extract of minutes of Bossier Parrish Police Jury Meeting 1/11/94, P. Exh. 5]

Mr. Avery stated that he has spoken to Mr. Gary Joiner regarding the current issue of the Bossier Parish School Board's struggle for approval of its reapportionment plan by the Justice Department. The school board has submitted the same plan which the Justice Department approved for the police jury two years ago, but has been denied approval. Motion was made by Mr. Meachum, seconded by Mr. Glorioso, that the Bossier Parish Police Jury clarify that it stands by its original reapportionment plan. Mr. Darby stated that he is concerned that if the school board and the police jury have different district lines, it will be confusing to Bossier Parish citizens. However, Mr. Darby indicated that he supports the police jury's original plan. Mr. Bullers, District Attorney, stated that he does not understand the position of the Justice Department and that he feels the school board will ultimately end up in court with a judge making the final decision. Votes were cast on Mr. Meachum's motion to make public the police jury's intention to maintain its current district lines. Motion carried unanimously.

This is to certify that this a true and correct copy of an extract of the minutes of the Bossier Parish Police Jury Meeting held in the Bossier Parish Courthouse in Benton, La. on the 11 day of Jan., 1994. Given under my hand and seal of the Bossler Parish Policy Jury on the 7 day of Feb., 1995.

/s/ CHERYL G. MARTIN
Secretary-Treasurer

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

Civil Action
Number 94-848-A2

Honorable John V. Parker
August 23, 1994

REVEREND JESSE CARROLL KNIGHT, SR., ET AL.,
PLAINTIFF
v.
W. FOX MCKEITHEN, ET AL., DEFENDANTS

COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

Appearances

For the Plaintiff:

Ms. Patricia A. Brannan
Attorney at Law

Mr. John W. Borkowski
Attorney at Law

Mr. Samuel L. Walters
Attorney at Law

For the East Carroll Parish School Board:

Mr. Michael Lancaster
Attorney at Law

Mr. James D. Caldwell
Attorney at Law

For the St. Mary Parish School Board:

Mr. James McClelland
Attorney at Law

For the Bossier Parish School Board:

Mr. James Thornton
Attorney at Law

Mr. Frank M. Ferrell
Attorney at Law

For the Secretary of State:

Ms. Sheri Morris
Attorney at Law

For Richard Ieyoub:

Ms. Angie Laplace
Attorney at Law

For the United States:

Ms. Nancy Sardeson
Attorney at Law

Reported by: Kay Raborn, C.C.R.
Official Court Reporter

THE COURT: All right, this will be the court's findings of fact and conclusions of law, at least to the extent that we can put something together, subject, of course, to further additional findings and conclusions should that become appropriate.

This matter is before the court on a motion for preliminary injunction filed on behalf of the plaintiffs, who are alleged to be black citizens and registered voters of East Carroll and Bossier parishes, insofar as is currently material. And there is, of course, no evidence to the contrary.

They allege that the school boards are threatening to deprive the plaintiffs of their right to participate equally in public school board elections conducted under lawful non-discriminatory redistricting plans pursuant to the schedule prescribed by state law for the conduct of such elections in violation of the 14th and 15th Amendments, Sections 2 and 5 of the Voting Rights Act for 1965 and 42 U.S.C. Section 1983.

It is undisputed that both East Carroll and Bossier parishes have not adopted and placed into effect redistricting plans for the school board. I said East Carroll and Bossier parishes. I mean, East Carroll and Bossier parishes school boards have not adopted and set into effect redistricting plans for those respective boards, as they are required to do, both by the state law and, of course, by federal law.

Accordingly, the thrust of this litigation has to be to take appropriate steps since it is undisputed that there is a violation of law to take appropriate steps to remedy the violation. I repeat, for purposes of clarity, that the only violation is the one-man-one-vote principle.

There are alleged violations of Section 2 of the Voting Rights Act, but that is not relevant to any issue presently before the court. The only relevance to Section 2 is that in ordering a reapportionment redistricting, the court, the board, or anybody else attempting to draw a plan, must comply with all measures of law, including Section 2 of the Voting Rights Act.

In addition, if this court starts drawing any plans, the court should comply or the plan adopted by the court, ordered by the court, should comply, in every possible respect, with all portions of state law, which are not contradictory to federal law. It is, I think, pretty clearly established that district courts do have power to fashion interim remedies and to order interim plans into effect where necessary, whether there is any violation of federal law, including a violation of the one-man-one-vote principle.

Elections, of course, are presently scheduled according to the State's regular timetable, throughout the State for school boards, and we have stipulated that if this court orders interim plans into effect, that qualification to run for office under that plan would be tomorrow, August 24th, and the next day, August 25th, as I recall.

Was it two, or three days, Ms. Morris?

MS. MORRIS: Three

THE COURT: Consequently, there is a great need for haste.

Now, in compliance with Section 2 of the Voting Rights Act, that provision reads, in part, a violation of subsection A is established, if based on the totality of circumstances, as is shown, that the political processes leading to nomination or election in the State or political subdivision are not equally open to partcipation by

members of a class of citizens protected by subsection (a) of this section, in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. So, that is the goal that we must have in mind when we seek to reapportion the school board.

The plaintiffs have presented a plan, which they say will fully comply, not only with one-man-one-vote, but will fully meet every expectation and requirement of Section 2 of the Voting Rights Act. And I again emphasize that we do not here have any proven violation of Section 2 of the Voting Rights Act. We have a claim by the plaintiffs that District 3 of the plan presented by the defendants does not, in my words, present an equal playing field so that members of the minority do have an opportunity, with other members of the electorate, to participate in the political process and to elect representatives of their choice.

Counsel for the plaintiffs started her oral argument a few moments ago by emphasizing how closely these plans resemble each other. And that seems, to the court, to certainly be correct. If my arithmetic is straight, that is correct. The plaintiffs would add fifty-six black people of voting age to that district and would zone out ninety-two white people of voting age in that district, which would cause the black voting age population to go up from 436 to 492 and the white voting age population to go down from 239 to 147, and would make a tremendous difference in the percentage.

The district, at present, as drawn by the defendants and presented to the Department of Justice, has a voting age black population of 64.6 percent, and under the plaintiffs' suggestion, these small numbers would produce an increase in black voting age population of seventy-seven percent, some thirteen percent increase,

which illustrates that when you're dealing with small numbers, large percentages can result.

There is very little difference between these plans. The testimony of Dr. Weber has convinced me that the district, as drawn, presents a level playing filed for voters of both races.

Section 2 specifically provides nothing in this section establishing a right to have members of a protected class elected in numbers equal to their proportion in the population.

I think the plan drawn by the plaintiffs is what they call, in this type of litigation, packing. The evidence does not convince the court that there is any necessity for packing in this district. The analysis of Dr. Weber of these police jury elections in this same district—well, there are two of them; one in the other District, 3, and one in District 5, where black police jury candidates were not able to win, illustrates to me that had the black population wanted to vote for the black candidate who lost, the black candidate would have won.

In other words, the opportunity, in the words of Section 2, the opportunity is there. By reason of the sixty-five percent black voting age population, this court has no reason to believe that this district is not equally open to participation by members of a class of citizens protected by subsection (a).

In other words, it doesn't seem to me that this geographic drawing is likely to produce a violation of Section 2 of the Voting Rights Act, despite what the Department of Justice may have said. The Department of Justice has to do its thing and the court will have to do its thing, based upon the evidence presented in court.

Since I'm not convinced that there is a need for packing, as the plaintiffs propose, I'm not willing to order the plan presented by the plaintiffs into effect as an interim plan for use in this school board election.

It is highly desirable, however, that there be elections—an election for school board in East Carroll parish. To allow the entire parish to be deprived of the right to vote for members of the school board, because of this small disagreement—well, it's not a small disagreement. It's a very serious disagreement between the plaintiffs and the school board. But a disagreement over this small number of people, to deprive all 9,709 people of the parish the opportunity to vote seems, to me, to be ridiculous.

Under the circumstances, the court exercises its discretion in ordering plan number 6, or whatever you call it, which has been objected to by the Attorney General, in effect for the coming election for school board in East Carroll parish, with the proviso that this will truly be an interim remedy.

This plan and the terms of office of those elected, shall be limited until the next round of elections in the spring of 1995. As I recall, a representative of the secretary of state's office says that's the next time you can have an election in Louisiana.

Is that correct, Ms. Morris?

MS. MORRIS: That's correct.

THE COURT: Whenever those dates are.

MS. MORRIS: April 1st and 29th.

THE COURT: I can't hear you.

MS. MORRIS: They're April 1st and April 29th.

THE COURT: That's the date of the elections?

MS. MORRIS: Yes.

THE COURT: Okay. Well, this is August 23rd. By that time, East Carroll Parish should have in effect a permanent plan which, of course, must be approved by the Department of Justice under Section 5 of the Voting Rights Act.

I don't care what plan is approved. I say approved. They just have no objection. It's not technically unapproved. Perhaps you can work with these plaintiffs and come up with something that the Department of Justice can approve, all the while bearing in mind that you don't want to split precincts or otherwise fail to comply fully with Louisiana law unless it's absolutely necesary to do so.

Whatever the plan is must be resubmitted to the court well in advance. Or, if you want to again submit competing plans, that will be all right, too, because this is only on a motion for preliminary injunction and the merits of the case have yet to be reached. I think perhaps you were wise, counsel, in suggesting that we not advance trial of the merits, as the court suggested the other day. If necessary, the court will fix a time by which you need to resubmit that plan, but right now, I'm not going to do it. I think we're too uncertain as to what the time might be.

As far as I know, that takes care of the business with East Carroll.

There remains on the table the school board of Bossier Parish. Bossier has submitted a plan to the Department of Justice, to which objection has been taken and Bossier has filed suit in the United States District Court for the District of Columbia.

Let me back up one minute. I don't find that the East

Carroll Parish school board has been deliberately dragging its collective feet in an attempt to be dilatory or not reapportion. And there is no evidence before the court that any of what went into their plan is deliberately intentionally racially motivated or intended to dilute black voting strength or otherwise to attempt to penalize or disenfranchise members of the minority.

I think the East Carroll school board, as has been pointed out, is one of the poorest places in the—the parish is one of the poorest places in the United States, and I think the board has attempted to get a redistricting plan in as economical a fashion as possible. And that's one of the reaons they wanted to do it the same way the police jury did. Because they didn't have to hire some high-priced expert to draw them a plan, if they just adopted the police jury plan. And when the Department of Justice offered no objection to the police jury plan, that certainly encouraged them to think that if it's sauce for the goose, it ought to be sauce for the gander. Of course, as it turns out, they were wrong.

Now, back to Bossier. Bossier has submitted the plan to which the Department of Justice has made an objection, and a suit has been filed in the District of Columbia. The Bossier school board had moved for a stay of these proceedings pending the outcome of that proceeding. I don't know whether I formally ruled on that, but if I haven't, that motion for the stay is denied. Obviously, we have proceeded and did proceed.

The situation in Bossier is similar to the situation in East Carroll in that the plan submitted by the Bossier schooi board to the Department of Justice is identical to that which was submitted by the Bossier police jury to the Department of Justice, to which no objection was made by the Department.

There is perhaps some evidence of some delay on the part of Bossier Parish since the Department of Justice approved the Bossier police jury plan long ago. I've forgotten just how long ago. And there was some time lag between that approval and submission of the school board plan. But I don't find there is any real evidence on the part of Bossier deliberately perpetuating themselves in office, although, that is, of course, the effect of not having approval from the Department of Justice, because of state law, which provides that they shall remain in office until their successors are qualified.

The plaintiffs have proposed an interim plan for Bossier, and, frankly, that plan offends the court because it most nearly resembles an octopus as it stretches out to the nooks and crannies of the parish in order to collect enough black voting age population to create not one, but two, majority black districts in Bossier. The percentage of black voting age population in Bossier Parish, according to the information submitted to me is 17.7 percent and 20.2 percent of the total parish population.

I'm not comfortable with the plan presented by the plaintiffs. I have not had sufficient time or sufficient evidence presented to convince me that some other plan, which complies with Section 2 of the Voting Rights Act, cannot be drawn that will recognize compactness and will not zig-zag all over the parish.

This court is still of the opinion that other principles of drawing election districts still apply, such as natural boundaries and historical boundaries, recognition of city limits, recognition of common interest of a population, and compactness. The plaintiffs' plan doesn't do that.

I don't have any evidence about the plan submitted by the Bossier school board, other than their lawyer, Mr.

Thornton, says it's fine. Under those circumstances, I cannot order the plaintiffs' plan into effect as an interim plan, and I don't have sufficient information about the defendant's plan to feel comfortable ordering it into effect. Under those circumstances, I will decline to order any plan into effect at this time.

If that seems rather odd, if it's important to have an election in East Carroll, why isn't it important to have an election in Bossier? Well, it is. But due to the haste of these proceedings, the election being scheduled so quickly, the court simply is not satisfied with any plan which has been presented to it, nor do I have sufficient information to feel comfortable in attempting to devise a plan of my own.

However, between now and the time we take the mattter up on the merits, I would expect that additional plans be proposed. I don't think you can get two majority black districts in the parish of Bossier without gerrymandering the districts. So, I would expect between now and the trial of this case on the merits both sides may well want to submit additional plans. And before the scheduled time for elections, in the spring of next year, we'll have a plan from the court, or Bossier school board will have a no objection blessing from the District Court in the District of Columbia.

Let me rephrase that so that everybody understands what I'm saying. We're going to have a plan for elections next spring, whether this court does it or the court in the District of Columbia does it. So, at this time the court declines to issue any injunction relative to the parish of Bossier.

If I need to, I'll make supplemental findings and conclusions.

I can't think of anything I haven't covered. If I've omitted something, somebody sound off. We only have these two left, don't we?

All right, court will be in recess. (Court recessed at 3:30 p.m.)

CERTIFICATE

I, the undersigned, do hereby certify that the above and foregoing is a true and correct transcription, to the best of my ability and understanding, of the official record of the proceedings.

/s/ KAY RABORN, C.C.R.

KAY RABORN, C.C.R.

Excerpts from Plaintiff's Exhibit 17 (Direct Testimony of Gary Dillard Joiner)

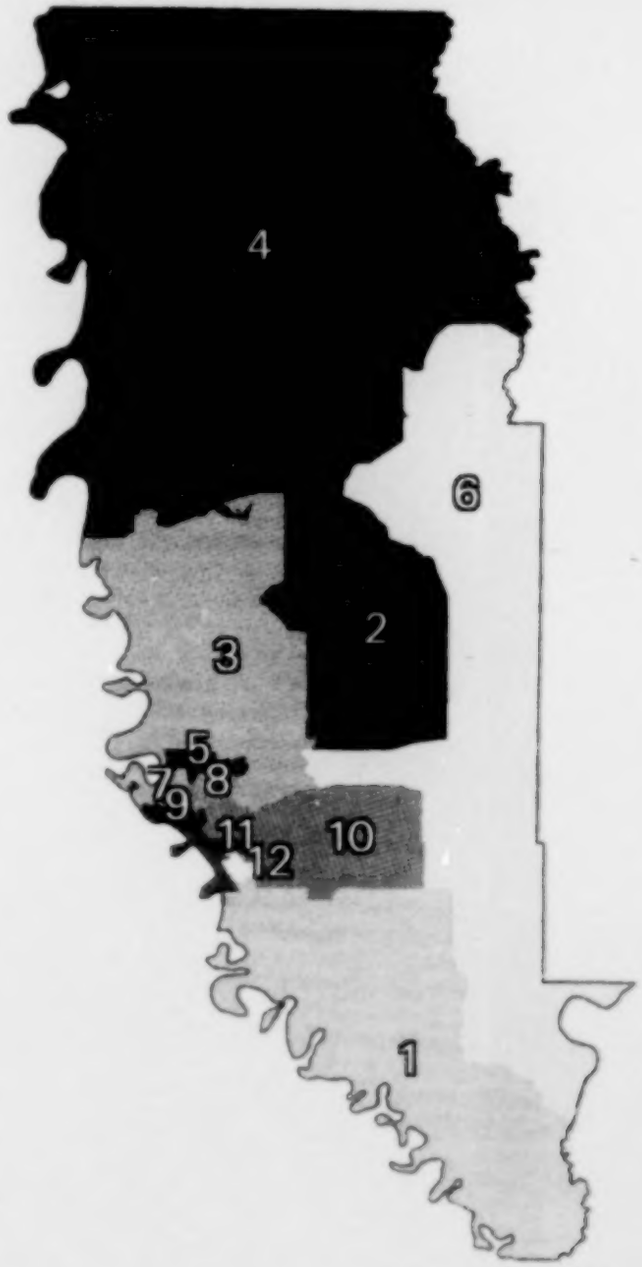
* * * *

[5]

I would like to explain the enormity of the problem faced by the members of the Bossier Parish School Board in attempting to create black majority districts in Bossier Parish. As I have previously mentioned, it was illegal for the members of the school board to cut or split existing precincts. The only possible way to create black majority districts is on a census block level as opposed to a precinct level. But since that can't be done, you have to look at making precinct cuts. When I attempted to create a black majority district within Bossier City the lowest number of cuts that I made was approximately fourteen (14). These precinct violations would have created fourteen new precincts inside Bossier City, primarily along the river. When I attempted then to add another black majority district to the north, the lowest combination of the two districts that I could come up with was something in the neighborhood of fifty-eight or sixty cuts. When I studied the original plan submitted by the NAACP which created two black majority districts, their plan had one hundred and sixty-two cuts. Each cut, and the creation of a new precinct requires a separate voting machine and a separate set of voting commissioners. This creates a serious additional cost factor for the voters of Bossier Parish, not to mention the confusion of the voter. To make matters worse for the members of the Bossier Parish School Board was the fact that Mr. James Bullers, the District Attorney of Bossier Parish and their legal counsel, advised them that they could not adopt a plan that cut or created new precincts.

BOSSIER PARISH, LA

Current School Board



Library: Bossier Parish, LA

Plan: CURRENTSCHOOLBD

DISTRICTS

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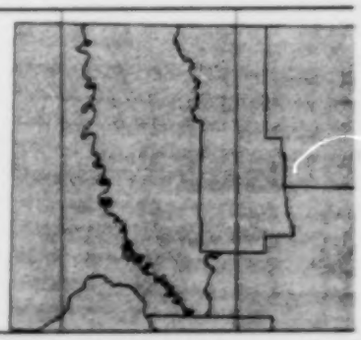
County Boundaries



Scale in Miles

0 1 2 4 6

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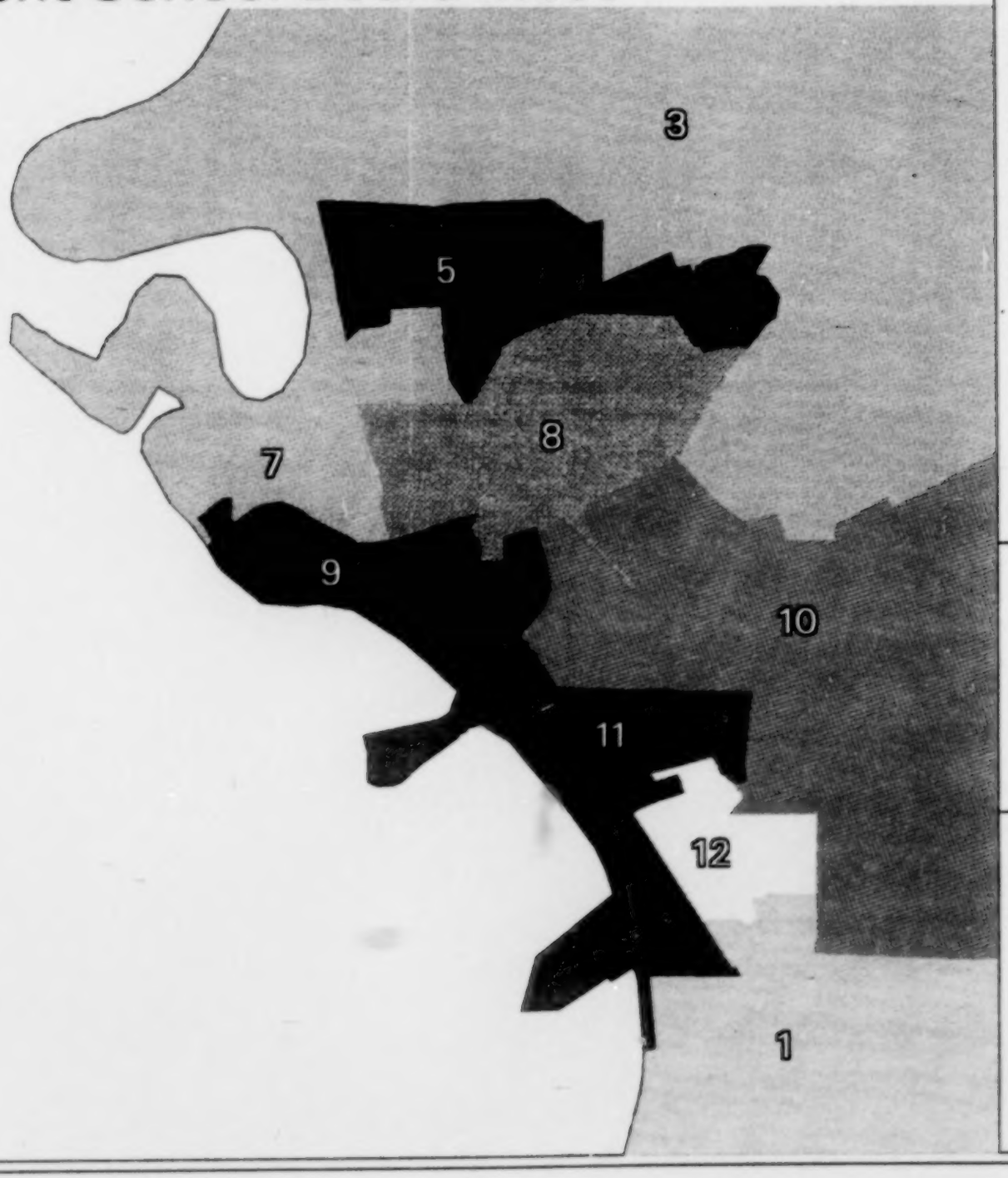
Washington, D.C., 20530

July 24, 1996

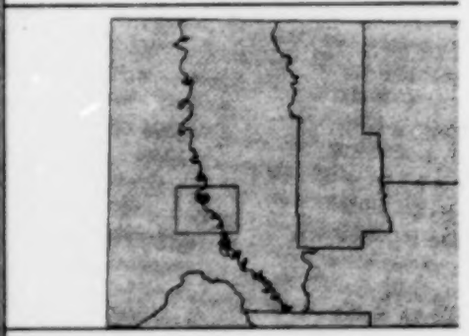
BOSSIER PARISH, LA

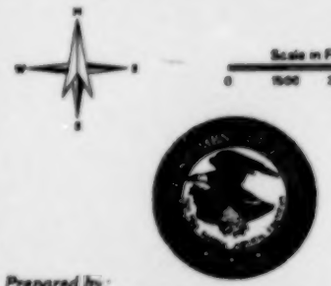
Current School Board Inset



Library: Bossier Parish, LA

Plan: CURRENTSCHOOLBD





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July 24, 1996

CURRENT SCHOOL BOARD PLAN

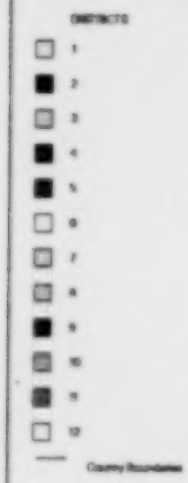
DIST.	TOTAL POP	TOTAL NON-HISPANIC WHITE	TOTAL NON-HISPANIC WHITE %	VOTING AGE NON-HISPANIC WHITE	VOTING AGE NON-HISPANIC WHITE %	TOTAL NON-HISPANIC BLACK	TOTAL NON-HISPANIC BLACK%	VOTING AGE NON-HISPANIC BLACK	VOTING AGE NON-HISPANIC BLACK%	TOTAL OTHER	TOTAL OTHER%	VOTING AGE OTHER	VOTING AGE OTHER %
1	9,233	7,667	83.0	5,312	84.3	1,225	13.3	759	12.0	341	3.7	233	3.7
2	7,889	6,446	81.7	4,457	83.1	1,289	16.3	803	15.0	154	2.0	105	2.0
3	13,598	11,764	86.5	8,347	87.2	1,490	11.0	998	10.4	344	2.5	232	2.4
4	6,552	3,431	52.4	2,614	56.7	3,044	46.5	1,941	42.1	77	1.2	53	1.2
5	6,498	5,313	81.8	3,937	85.3	956	14.7	507	11.0	229	3.5	172	3.7
6	7,963	6,253	78.5	4,553	79.9	1,579	19.8	1,059	18.6	131	1.6	89	1.6
7	5,867	3,156	53.8	2,458	60.5	2,559	43.6	1,500	36.9	152	2.6	103	2.5
8	6,516	4,987	76.5	3,854	80.0	1,140	17.5	692	14.4	389	6.0	272	5.6
9	6,229	4,610	74.0	3,612	79.3	1,364	21.9	759	16.7	255	4.1	184	4.0
10	6,054	3,867	63.9	2,757	65.6	1,811	29.9	1,192	28.4	376	6.2	251	6.0
11	4,085	3,428	83.9	2,630	86.9	458	11.2	257	8.5	199	4.9	141	4.7
12	5,604	4,890	87.3	3,599	88.4	386	6.9	259	6.4	328	5.9	213	5.2

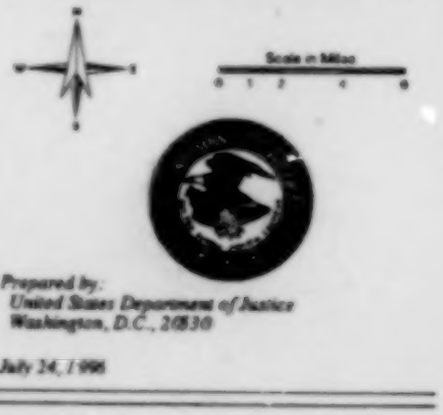
BOSSIER PARISH, LA

Proposed School Board

Library: Bossier Parish, LA

Plan: PROPOSEDSCHOOLBD





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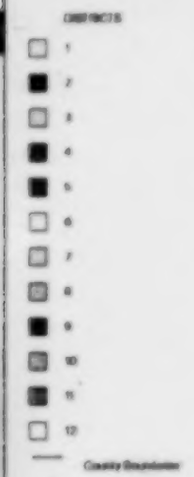
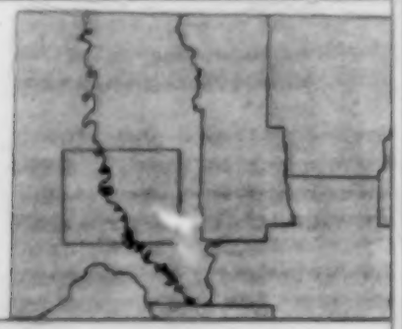
BOSSIER PARISH, LA

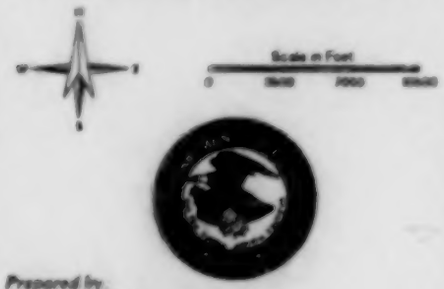
Proposed School Board Inset

Library: Bossier Parish, LA

Plan: PROPOSEDSCHOOLBD







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Washington, D.C., 20530

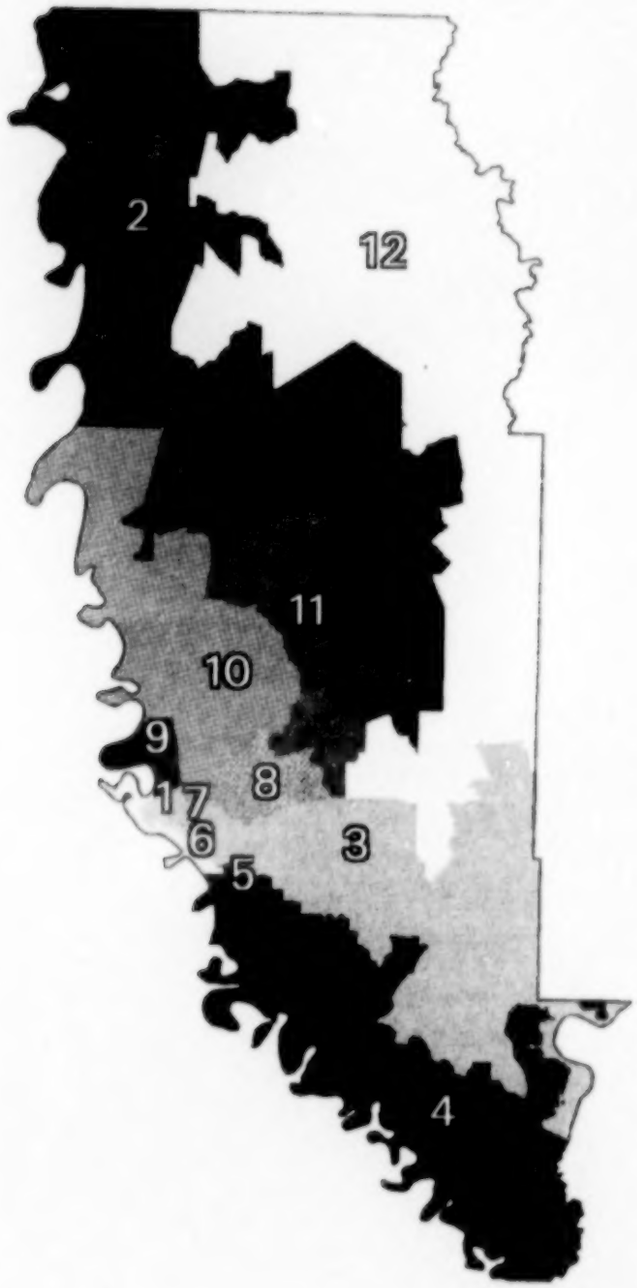
July 24, 1998

PROPOSED SCHOOL BOARD PLAN

DIST.	TOTAL POP	TOTAL NON-HISPANIC WHITE	WHITE %	VOTING AGE NON-HISPANIC WHITE	WHITE %	TOTAL NON-HISPANIC BLACK	BLACK %	VOTING AGE NON-HISPANIC BLACK	BLACK %	TOTAL OTHER	OTHER %	VOTING AGE OTHER	OTHER %
1	7,187	5,020	69.9	3,626	71.6	2,069	28.8	1,365	27.0	98	1.4	71	1.4
2	7,521	6,542	87.0	4,555	88.1	818	10.9	500	9.7	161	2.2	114	2.2
3	6,764	4,999	73.9	3,623	75.7	1,636	24.2	1,074	22.5	129	1.9	87	1.8
4	6,903	3,716	53.8	2,817	58.0	3,109	45.0	1,990	40.9	78	1.1	54	1.1
5	7,607	6,615	87.0	4,581	88.1	730	9.6	445	8.6	262	3.4	175	3.4
6	7,444	7,000	94.0	5,169	94.3	272	3.7	189	3.5	172	2.3	126	2.3
7	6,992	3,732	53.4	2,977	61.0	3,058	43.7	1,763	36.1	202	2.9	138	2.8
8	6,899	5,058	73.3	3,793	77.6	1,457	21.1	831	17.0	384	5.6	265	5.4
9	7,219	5,853	81.1	4,578	84.8	1,073	14.9	609	11.3	293	4.1	215	4.0
10	7,452	4,988	66.9	3,594	69.2	1,989	26.7	1,277	24.6	475	6.4	323	6.2
11	7,019	6,134	87.4	4,534	88.7	499	7.1	322	6.3	386	5.5	254	5.0
12	7,081	6,155	86.9	4,283	88.0	591	8.4	361	7.4	335	4.7	226	4.6

BOSSIER PARISH, LA

NAACP



Library: Bossier Parish, LA

Plan: NAACP

DISTRICTS

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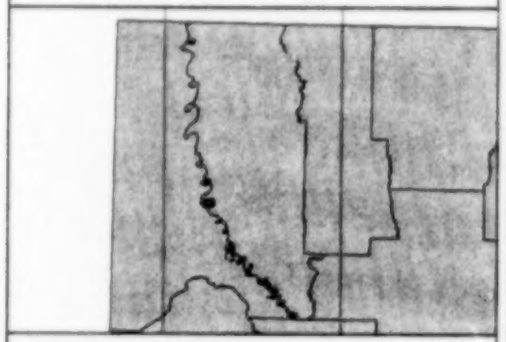
County Boundaries



Scale in Miles

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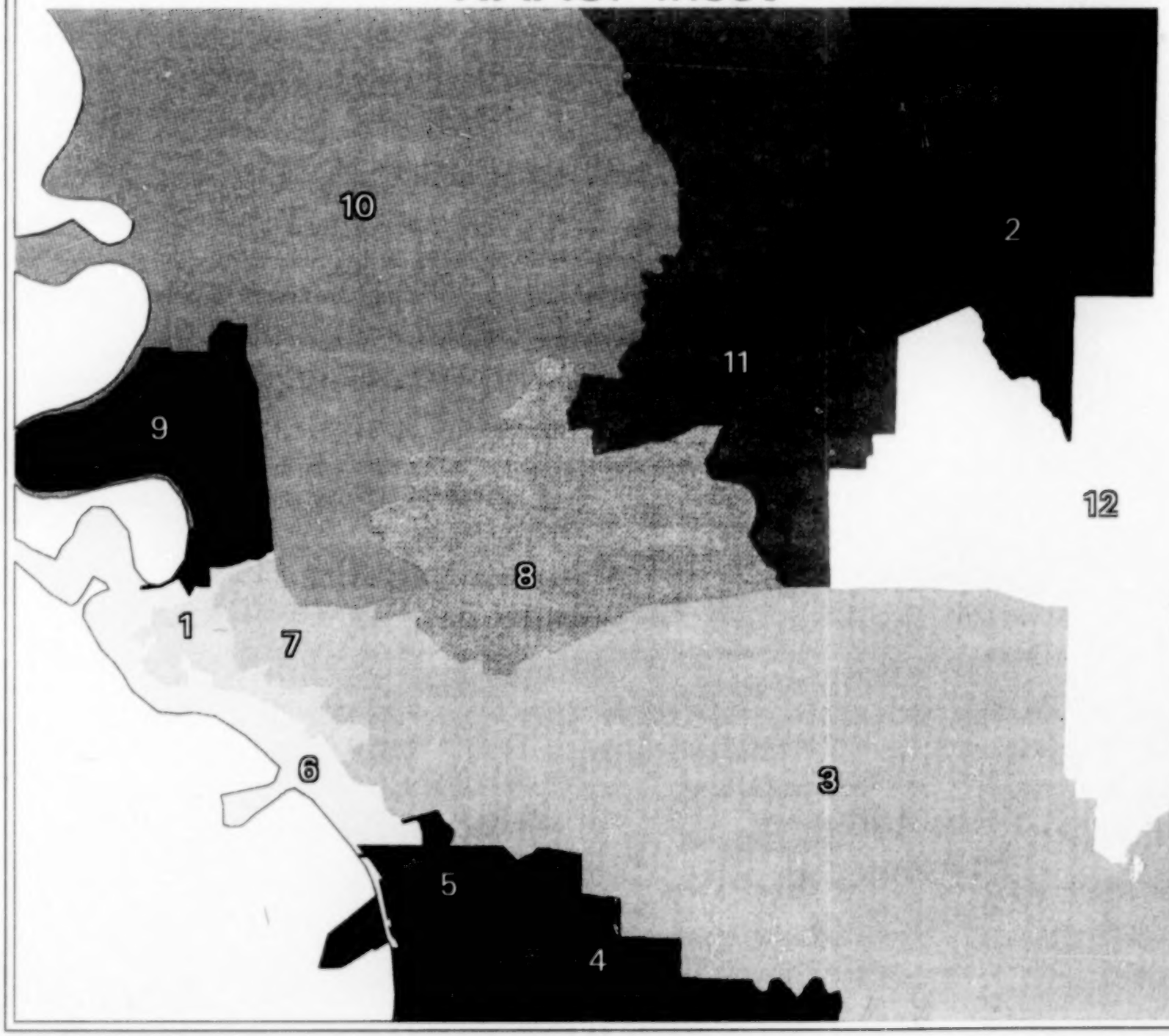
July 24, 1996

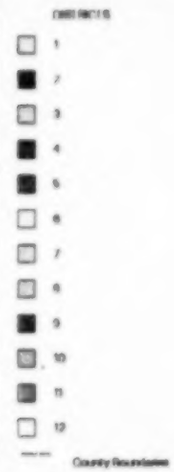
BOSSIER PARISH, LA

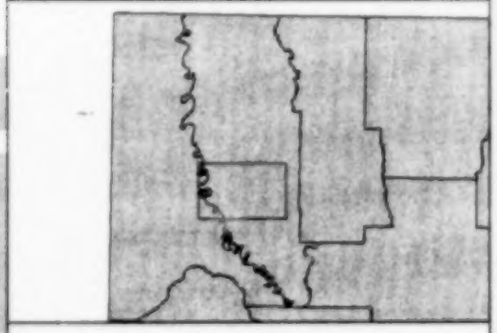
NAACP Inset



Library: Bossier Parish, LA

Plan: NAACP





Scale in Feet

0 2500 5000 7500

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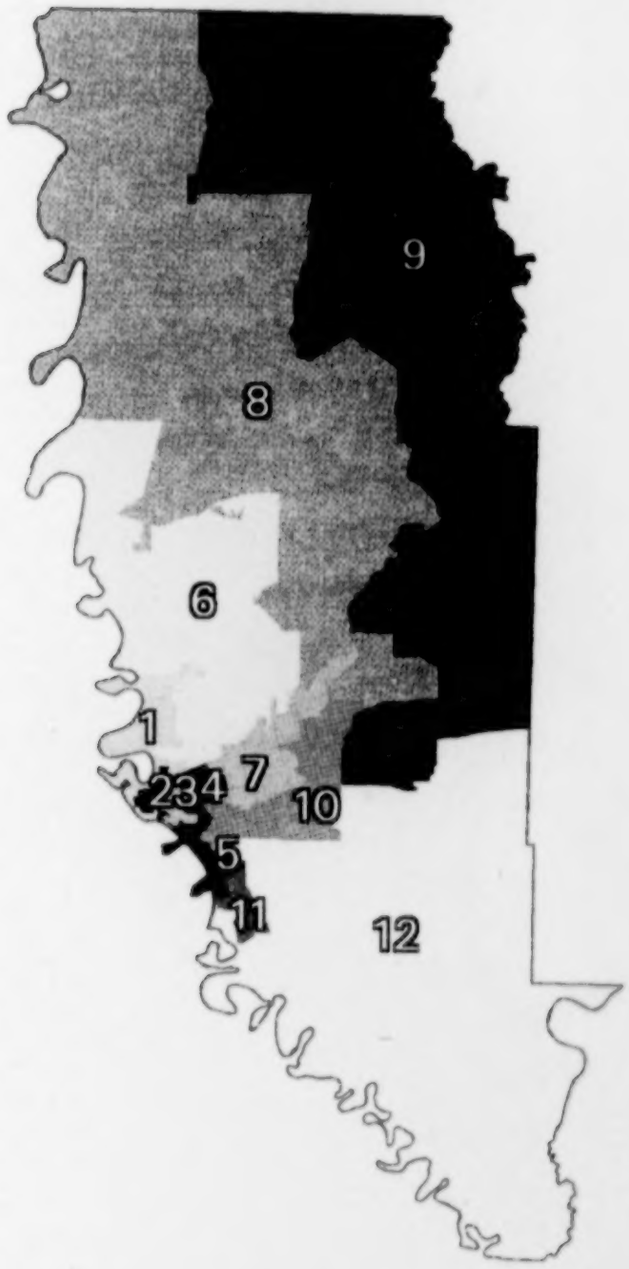
June 28, 1996

NAACP PLAN

DIST.	TOTAL POP	TOTAL NON-HISPANIC WHITE	WHITE %	VOTING AGE NON-HISPANIC WHITE	WHITE %	TOTAL NON-HISPANIC BLACK	BLACK %	VOTING AGE NON-HISPANIC BLACK	BLACK %	TOTAL OTHER	OTHER %	VOTING AGE OTHER	OTHER %
1	6,874	2,792	40.6	2,198	46.6	3,908	56.9	2,394	50.7	174	2.5	129	2.7
2	6,875	2,487	36.2	1,834	39.6	4,311	62.7	2,737	59.1	77	1.1	63	1.4
3	6,886	3,931	57.1	2,734	58.6	2,595	37.7	1,696	36.4	360	5.2	234	5.0
4	7,289	6,357	87.2	4,455	88.1	645	8.9	408	8.1	287	3.9	196	3.9
5	7,002	6,107	87.2	4,472	88.6	522	7.5	335	6.6	373	5.3	242	4.8
6	7,188	5,878	81.8	4,567	85.8	1000	13.9	540	10.1	310	4.3	218	4.1
7	6,823	5,966	87.4	4,716	89.4	555	8.1	337	6.4	302	4.4	223	4.2
8	7,457	6,167	82.7	4,278	84.8	950	12.7	539	10.7	340	4.6	227	4.5
9	7,427	6,676	89.9	4,942	91.9	584	7.9	309	5.8	167	2.3	126	2.3
10	7,414	6,011	81.1	4,435	83.3	1,116	15.1	702	13.2	287	3.9	187	3.5
11	7,395	6,700	90.6	4,581	91.2	514	7.0	324	6.5	181	2.5	121	2.4
12	7,458	6,740	90.4	4,918	91.0	601	8.1	405	7.5	117	1.6	82	1.5

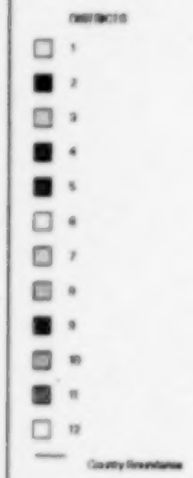
BOSSIER PARISH, LA

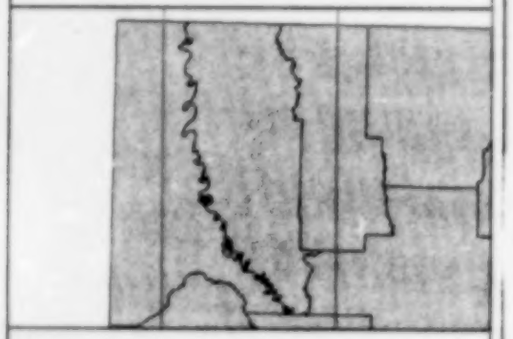
Cooper

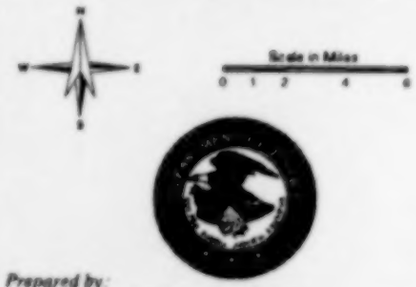


Library: Bossier Parish, LA

Plan: COOPER







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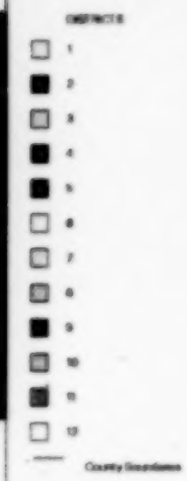
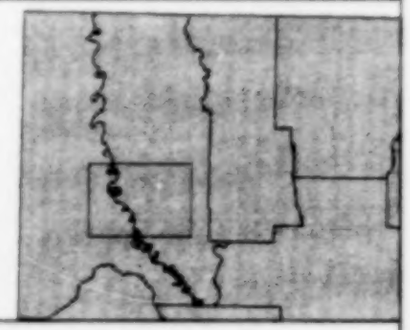
BOSSIER PARISH, LA

Cooper Inset

Library: Bossier Parish, LA

Plan: COOPER





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Washington, D.C., 20530

June 28, 1996

COOPER PLAN

DIST.	TOTAL POP	TOTAL NON-HISPANIC WHITE	TOTAL NON-HISPANIC WHITE%	VOTING AGE NON-HISPANIC WHITE	VOTING AGE NON-HISPANIC WHITE%	TOTAL NON-HISPANIC BLACK	TOTAL NON-HISPANIC BLACK%	VOTING AGE NON-HISPANIC BLACK	VOTING AGE NON-HISPANIC BLACK%	TOTAL OTHER	TOTAL OTHER%	VOTING AGE OTHER	VOTING AGE OTHER%
1	6,840	6,271	92.0	4,603	92.8	393	5.8	235	4.7	176	2.6	125	2.6
2	6,840	2,543	37.2	1,975	43.8	4,135	60.5	2,427	53.8	162	2.4	106	2.4
3	7,057	5,756	81.6	4,574	84.7	1,021	14.5	622	11.5	280	4.0	207	3.8
4	7,043	5,409	76.8	4,031	80.4	1,223	17.4	692	13.8	411	5.8	294	5.9
5	7,475	6,524	87.3	4,937	88.7	548	7.3	359	6.5	403	5.4	271	4.9
6	6,886	6,267	91.0	4,702	91.4	454	6.6	327	6.4	165	2.4	114	2.2
7	7,473	6,391	85.5	4,382	86.9	792	10.6	468	9.3	290	3.9	196	3.9
8	6,839	2,750	40.2	2,010	43.6	4,012	58.7	2,543	55.2	77	1.1	59	1.3
9	7,496	6,448	86.0	4,681	87.2	927	12.4	604	11.3	121	1.6	85	1.6
10	7,335	5,794	79.0	3,983	79.9	1,127	15.4	734	14.7	414	5.6	267	5.4
11	7,399	6,423	86.8	4,509	88.0	602	8.2	359	7.0	374	5.0	257	5.0
12	7,405	5,236	70.7	3,743	72.5	2,067	27.9	1,356	26.3	102	1.4	67	1.3

BOSSIER PARISH ELECTIONS FEATURING BLACK CANDIDATES 1979-1993

The attached chart reflects virtually all elections in Bossier Parish during the period 1979 through 1993 for local offices featuring one or more black candidates, for which we have election returns. It does not include, however, elections for offices in the City of Shreveport as there is only one precinct in Bossier Parish (Precinct 2-23), which is located in Shreveport. This precinct represents only a small fraction of the city, the vast majority of which is located in Caddo Parish.

The abbreviation to the left of the dash in the "Dist." column denotes the jurisdiction, as follows:

B	Benton
BC	Bossier City
H	Haughton
JDC	Judicial District Court (the 26th JDC consists of Bossier Parish and Webster Parish; the data reported reflect the results of the election only in Bossier Parish)
PD	Plain Dealing
PJ	Bossier Parish Police Jury
SB	Bossier Parish School Board

The abbreviation to the right of the dash in the "Dist." column denotes the office being filled and/or the district number (or letter) for the office, as follows:

A	Board of Alderman
AL	At Large position
C	City Council
M	Mayor

BOSSIER PARISH ELECTIONS FEATURING BLACK CANDIDATES 1979-1993

Election	*Dist.*	*% Black (Census)*	*Candidate(s)*	*Race*	*Vote (%)*
05/19/70 Sp. Pri.	BC-C2	39.4 (1980)	John Burnes	W	60 (12.2)
			Johnny Gipson	B	201 (40.9)
			Anthony Provenza	W	205 (41.7)
			J.G. Stahl	W	26 (5.3)
06/23/79 Sp. Gen.	BC-C2	39.4 (1980)	Johnny Gipson	B	324 (48.9)
			Anthony Provenza	W	339 (51.2)
10/27/79 Primary	PJ-J	42.7 (1980)	Johnny Gipson	B	459 (55.2)
			Thomas McDaniel (I)	W	373 (44.8)
04/05/80 Primary	B-A2	57.1 (1990)	Oscar Grubb	W	54 (48.2)
			Rutha Richardson	B	58 (51.8)
10/17/81 Primary	SB-C	28.1 (1980)	Floyd Coleman	B	389 (38.5)
			Annie Johnston	W	401 (39.7)
			Ken Larsen	W	150 (14.8)
			Nonnie Moak	W	71 (7.0)
11/28/81 Runoff	SB-C	28.1 (1980)	Floyd Coleman	B	584 (40.5)
			Annie Johnston	W	858 (59.5)
04/03/82 Primary	PD-A2	Data unavail.	Tommie Nance	B	Unopposed
10/22/83 Primary	PJ-7	29.3 (1980)	James Abrams	B	358 (22.1)
			Jerry Baker	W	385 (23.8)
			Pete Glorioso	W	875 (54.1)

BOSSIER PARISH ELECTIONS FEATURING BLACK CANDIDATES 1979-1993

Election	*Dist.*	*% Black (Census)*	*Candidate(s)*	*Race*	*Vote (%)*
10/22/83 Primary	PJ-10	37.9 (1980)	Jerome Darby	B	407 (33.0)
			Johnny Gipson (I)	B	260 (21.0)
			Thomas McDaniel	W	568 (46.0)
11/19/83 Runoff	PJ-10	37.9 (1980)	Jerome Darby	B	328 (53.2)
			Thomas McDaniel	W	289 (46.8)
04/07/84 Primary	B-A1	75.5 (1990)	J.C. Goines, Sr.	B	58 (46.8)
			Thelma Harry	B	66 (53.2)
04/07/84 Primary	B-A2	57.1 (1990)	Rutha L. Richardson	B	Unopposed
04/07/84 Primary	H-AAL	30.2 (1980)	James Bell (E)	B	396 (14.8)
			Curt Camp (D)	W	110 (4.1)
			Cashie Cole, Jr. (R)	B	237 (8.8)
			John Garland, Jr. (R)	W	213 (7.9)
			Thomas Hill (D)	W	200 (7.5)
			Conrad Isom (E)	W	357 (13.3)
			Mike Keith (E)	W	160 (5.7)
			Billy Joe Maxey (R)	W	230 (8.6)
			Johnny Ruffin (D)	B	211 (7.9)
			Shirley Stephens (E)	W	341 (12.7)
			M.H. Walker, Jr. (R)	W	228 (8.5)

BOSSIER PARISH ELECTIONS FEATURING BLACK CANDIDATES 1979-1993

Election	*Dist.*	*% Black (Census)*	*Candidate(s)*	*Race*	*Vote (%)*
05/05/84 Runoff	H-AAL	30.2 (1980)	Cashie Cole, Jr.	B	236 (41.0)
			John Garland, Jr.	W	96 (16.7)
			Billy Joe Maxey	W	133 (23.1)
			M.H. Walker, Jr	W	111 (19.3)
03/30/85 Primary	BC-C3	17.0 (1990)	Wanda Bennett	W	1,033 (82.8)
			Odis Easter	B	214 (17.2)
04/05/86 Sp. Pri.	B-A2	57.1 (1990)	Zella Mayfield	B	Unopposed
09/27/86 Primary	SB-J	30.1 (1990)	Jeff Darby	B	343 (45.7)
			Ruth Sullivan (I)	W	408 (54.3)
10/24/87 Primary	PJ-10	31.9 (1990)	Jerome Darby (I)	B	506 (60.5)
			Johnny Gipson	B	146 (17.4)
			Thomas McDaniel	W	185 (22.1)
10/1/88 Primary	JDC-26	20.1 (1990) Bossier Parish only	Dewey Burchett, Jr.	W	11,163 (64.3)
			Bobby Stromile	B	6,197 (35.7)
10/01/88 Primary	PJ-3		Jerry Chandler	W	449 (20.5)
			Larry Sharrah	W	523 (23.9)
			Marshall Smith	W	203 (9.3)
			Jessie Turks	B	0
			Don Whittington	W	1,014 (46.3)

BOSSIER PARISH ELECTIONS FEATURING BLACK CANDIDATES 1979-1993

Election	*Dist.*	*% Black (Census)*	*Candidate(s)*	*Race*	*Vote (%)*
10/1/88 Primary	H-M		Lurlene Butler	W	299 (49.3)
			Harold Lee	W	308 (50.7)
			R.G. Aldricht	W	273 (10.0)
			James Bell	B	362 (13.2)
			Cecil L. Blackstock	W	343 (12.5)
10/01/88 Primary	Benton Police Chief	41.3 (1990)	Raymond Champion	W	264 (39.2)
			J.W. Hollis	W	165 (24.5)
			Robert T. Smith	B	245 (36.4)
11/08/88 Runoff	Benton Police Chief	41.3 (1990)	Raymond Champion	W	467 (58.0)
			Robert T. Smith	B	338 (42.0)
04/01/89 Primary	BC-CAL	18.0 (1990)	Sonny DePrang (E)	W	4,750 (25.3)
			Jim Johnson (E)	W	7,168 (38.2)
			Randy Rowe (D)	W	4,619 (24.6)
			Don Rushing (D)	B	2,222(11.8)
04/01/89 Primary	BC-C4	18.9 (1990)	Bill Schwartz	W	922 (49.8)
			Earl Smith	B	137 (7.4)
			Billy Williams	W	791 (42.8)
04/01/89 Primary	BC-C2	25.6 (1990)	Donald Brown	W	449 (42.0)
			Jeff Darby	B	356 (33.3)
			Anthony Provenza (I)	W	265 (24.8)

BOSSIER PARISH ELECTIONS FEATURING BLACK CANDIDATES 1979-1993

Election	*Dist.*	*% Black (Census)*	*Candidate(s)*	*Race*	*Vote (%)*
04/29/89 Runoff	BC-C2	25.6 (1990)	Donald Brown	W	595 (48.5)
			Jeff Darby	B	631 (51.5)
10/06/90 Primary	SB-J	30.1 (1990)	Johnny Gipson	B	430 (46.8)
			Ruth Sullivan (I)	W	489 (53.2)
10/19/91 Primary	PJ-7	43.9 (1990)	Pete Glorioso (I)	W	1,099 (64.5)
			Leonard Kelly	B	604 (35.5)
10/19/91 Primary	PJ-10	26.9 (1990)	Jerome Darby (I)	B	Unopposed
10/19/91 Primary	H-M	27.9 (1990)	Cecil Blackstock (I)	W	458 (73.6)
			Mark Hill	B	67 (10.8)
			George Hunter	W	97 (15.6)
03/10/92	B-M	41.3 (1990)	Thelma Harry	B	218 (36.2)
			Joe Stickell	W	378 (62.8)
			Ronny Vaughn	W	6 (1.0)
10/03/92	H-AAL	27.9 (1990)	Pee Wee Anderson	W	294 (15.9)
			Cashie Cole, Jr. (I)	B	256 (13.9)
			Jack Hicks	W	323 (17.5)
			Mike Hollis	W	264 (14.3)
			Frank Jones	W	158 (8.6)
			Billy Joe Maxey	W	288 (15.6)
			Elbert Winfield	B	263 (14.3)

BOSSIER PARISH ELECTIONS FEATURING BLACK CANDIDATES 1979-1993

Election	*Dist.*	*% Black (Census)*	*Candidate(s)*	*Race*	*Vote (%)*
04/03/93 Special	SB-K	11.3 (1990)	Jerome Blunt (I)	B	93 (23.9)
			Juanita S. Jackson	W	296 (76.1)
10/16/93 Special	BC-C1	7.5 (1990)	Donald Ardoyno	W	436 (29.8)
			Gordon Blackman	W	881 (60.1)
			Will Jones	B	148 (10.1)
10/16/93 Special	BC-C2	42.2 (1990)	Jeff Darby (I)	B	416 (46.7)
			"Jim" Sawyer	W	474 (53.3)

CHRONOLOGY OF EVENTS

11/19/83	Jerome Darby elected to Police Jury.
11/13/90	Police Jury hires Gary Joiner to develop redistricting plan.
12/6/90	Police Jury Finance Committee appoints Technical Advisory Reapportionment Committee to work with Joiner on redistricting; Jerome Darby not included on the Reapportionment Committee.
12/11/90	Darby protests exclusion from Committee as a denial of "equal representation"; Police Jury votes to appoint him and white Juror James Elkins on Committee.
1/15/91	Police Jury passes over Jerome Darby for Presidency of Police Jury.
1/15/91 to 4/9/91	Joiner meets privately in his office with groups of 2 or 3 Police Jurors to discuss district configurations in their area. School Board member Thomas Myrick attends some of these meetings; meets with Joiner approximately five times.
4/1/91 to 5/15/91	Statutory "window" under Louisiana law for Police Juries to subdivide election precincts for redistricting purposes.
4/9/91	Public Police Jury redistricting hearing. Joiner presents 3 proposed plans, states that precinct splitting would be allowed through 5/15/91.
4/25/91	Public Police Jury redistricting hearing. Black residents ask questions regarding

black-majority district; are told that black population is too scattered to allow black district. Police Jury votes to pursue Joiner's Plan 9 for final adoption at next meeting.

4/30/91 Public Police Jury redistricting hearing. Joiner states that precinct changes could be made after 1/1/93 so as to consolidate precincts and reduce administrative election costs. Police Jury adopts Plan 9 as final plan. Concerned Citizens present letter to Police Jury complaining about redistricting process.

5/2/91 Joiner attends School Board meeting; is hired by School Board; estimates 200-250 hours to complete redistricting. Joiner states that School Board has more than adequate time to draw districts since the next School Board election is not until 1994.

5/14/91 Jerome Darby discusses Concerned Citizens letter at Police Jury meeting.

5/28/91 Police Jury submits Police Jury Plan to Department of Justice.

7/29/91 Department of Justice preclears Police Jury plan.

9/5/91 First School Board meeting at which redistricting discussed in substance. Joiner distributes precinct maps; states that School Board would have to work with Police Jury to alter precinct lines if it favored a plan which split precincts. Myrick immediately suggests adoption of Police Jury Plan.

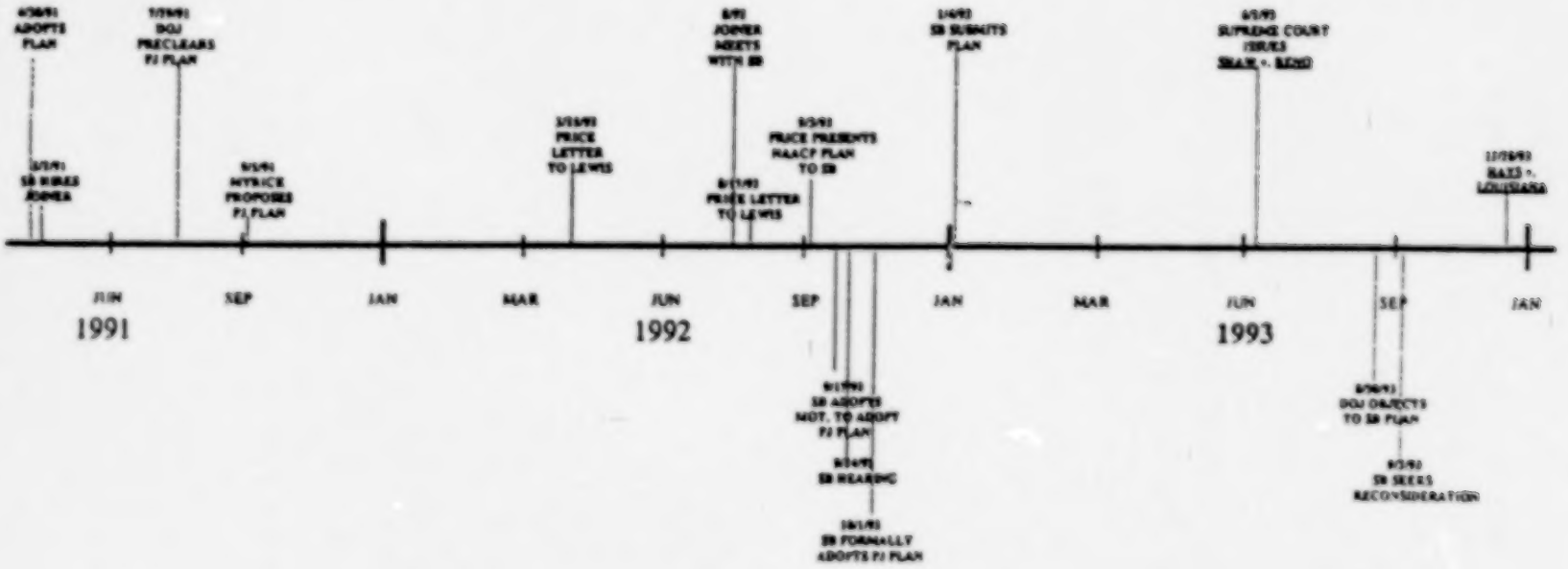
3/25/92	NAACP representative George Price writes letter to Superintendent Lewis requesting that NAACP be included in all phases of redistricting process; letter distributed to School Board members. No action taken on letter.
7/22/92	*Hays* v. *Louisiana (Hays* I*)* filed in federal district court.
Sometime in 8/92	Joiner meets privately with School Board members, demonstrating redistricting computer and showing alternative redistricting scenarios. NAACP not notified of meeting.
8/7/92	District court in *Shaw* v. *Barr* dismisses plaintiffs' 14th Amendment gerrymandering claim as failing to state a cause of action.
8/17/92	Price writes second letter to Lewis, requesting that NAACP be allowed to come before the School Board to present their views on redistricting, and stating opposition to PJ Plan or any other plan diluting minority voting strength.
8/20/92	Price presentation at School Board meeting re: various concerns, including appointment of a black School Board member to fill an existing vacancy, and participation of all parish citizens in redistricting. No specific action is taken by School Board on these requests.
Between 8/25/92 and 8/27/92	Price presents NAACP map of 2 illustrative black-majority districts to school and district official, who rejects plan because it does not contain a full 12 districts.

8/26 - 8/27/92	Preliminary injunction hearing in *Hays* v. *Louisiana (Hays I)* in federal district court.
8/27/92	District court in *Hays I* denies plaintiffs' motion for preliminary injunction, dismisses plaintiffs' constitutional claims, allows briefing on Section 2 vote dilution claims only.
9/3/92	Price presents full, 12-district NAACP Plan at School Board meeting. Joiner and School Board members summarily dismiss NAACP Plan because it crosses existing precinct lines.
9/10/92	Jerome Blunt appointed as first black School Board member in Bossier Parish history by a 6-5 vote at a special School Board meeting.
9/17/92	Jerome Blunt sworn in as member of School Board. At same School Board meeting, Price again presents NAACP Plan on behalf of the NAACP, Concerned Citizens of Bossier Parish, Men's Club of Bossier, Voter's League, Bossier Housing Tenant Coalition and Concerned Parents of Plain Dealing. School Board unanimously passes a motion of intent to adopt the Police Jury Plan, schedules 9/24/92 public hearing and 10/1/92 meeting for final action.
9/24/92	School Board hearing on redistricting held with full-capacity crowd. Price presents petition with over 500 signatures, urges consideration of NAACP Plan as a foundation for the creation of a plan with black-majority districts.
10/1/92	At School Board meeting, School Board adopts Police Jury Plan 10-1-1, Jerome Blunt abstaining (one member absent).

12/31/92	Date under Louisiana law by which school boards must reapportion.
1/1/93	Date under Louisiana law after which parishes could reconsolidate their precincts.
1/4/93	School Board submits plan adopted by Police Jury ("Proposed School Board Plan") to Department of Justice.
1/26/93	"Community Affairs Committee," formed at request of black community, holds its first meeting to discuss School Board matters.
3/5/93	Department of Justice asks School Board for more information re: redistricting plan.
3/16/93	School Board disbands Community Affairs Committee.
6/29/93	Supreme Court issues opinion in *Shaw* v. *Reno.*
8/19 - 8/29/93	Supplemental evidentiary hearing in *Hays* v. *Louisiana (Hays I).*
8/30/93	Department of Justice objects to School Board's Proposed Plan. Objection letter points out the School Board's option of asking the Police Jury to change precinct lines to allow drawing of black-majority districts.
8/31/93	Copies of Department of Justice objection letter provided to all School Board members.
9/2/93	In executive session at School Board meeting, School Board discusses its options in light of Department of Justice objection. No discussion of attempting to draw black-majority districts occurs. In public, School Board unanimously votes to seek reconsideration from Department of Justice.

9/3/93	School Board seeks reconsideration of objection in letter to Department of Justice.
9/16/93	Price presentation at School Board meeting on behalf of coalition of black organizations asking School Board to reconsider its decision to seek withdrawal of objection. School Board does not respond to Price's suggestion.
12/20/93	Department of Justice declines to withdraw objection.
12/28/93	LA district court issues decision in *Hays* v. *Louisiana*.
1/11/94	Police Jury resolves not to redraw its redistricting plan.
7/8/94	School Board files *Bossier Parish School Board* v. *Reno*.

CHRONOLOGY OF EVENTS



Excerpts from U.S. Exhibit 86 (Designations of portions of Deposition of School Board Member Susan J. Barrera dated September 30, 1994)

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[60]

* * * *

Q. Why does Bossier Parish still have schools with predominantly black student enrollment?

A. Because those people have not moved into predominantly white neighborhoods.

Excerpts from U.S. Exhibit 87 (Designations of portions of Deposition of School Board Member Barbara Blaylock dated October 6, 1994)

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[97]

* * * *

Q. Why does Bossier Parish have predominantly black schools?

A. Have predominantly black? Probably because of just the area in which they are.

Excerpts from U.S. Exhibit 90 (Designations of portions of Deposition of School Board Member Henry Burns dated October 6, 1994)

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[119]

* * * *

Q. Why does the Bossier Parish school district have schools with predominantly black student enrollment?

A. Why do Bossier Parish schools have schools that have predominantly black enrollment? Well, I am only, like, high schools or elementary schools.

Q. Well, for example, Butler Elementary School. Why, in your view, is Butler Elementary School a predominantly—first of all, are you aware that the district has schools that are —

A. Yes, like Plain Dealing and brand Bossier High. I am pretty well familiar with the percentages at most of the schools, but I think the neighborhood school concept.

* * * *

[120]

* * * *

Q. And Butler Elementary School and Bossier Elementary School are also near one another; isn't that true, are physically near one another?

A. Yes.

Q. What about Plain Dealing High School and Plain Dealing Elementary School is that the same?

A. Yes. They are located in the northern, you know, rural part of the parish.

Q. I take it their predominantly black student enrollment, in your view, is due to the demographic makeup of the area of their attendance boundaries?

A. Yes.

Excerpts from U.S. Exhibit 93 (Designations of portions of Deposition of School Board Member Barbara Gray dated September 19, 1994)

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[68]

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Q. When you were talking about the two areas where you thought it would be possible, if you sat aside concerns about splitting precincts to conceivably draw a black majority district, you mentioned the Plain Dealing area and you also mentioned district G, Ms. Sullivan's district, when you talk about District G, are you talking about District G in the current plan as opposed to the proposed plan?

A. The current plan that we have, that is what I am referring to.

Q. Let me hand you what I have marked as School Board Exhibit Eleven and let me just ask you, is that the old plan from the 1980s, the one that current school board members are sitting under?

A. Yes.

Q. On that document, is that the District G that you are talking about?

A. Yes. Wait a minute, let me see. No. No. District J is the one. And possibly G, but I would say J over G first. I got G and J confused and I am sorry.

Q. Both of those districts are in the Bossier City area?

A. Right.

Q. And District G is the district that contains or is quite near Bossier Elementary and Butler Elementary?

A. Yes.

Q. Which are both predominantly black elementary school, right?

A. Yes.

* * * *

[71]

* * * *

Q. And, isn't it a fact that today Butler is a predominantly a black school?

A. It may be. Yes.

Q. And isn't it a fact that when you joined the board —?

A. That is not—that is just because that is where they happen to live.

Q. And I guess that the same would be true for Bossier elementary school, which is even more predominantly black?

A. That happens to be, I guess, where they have their population that feeds the school.

Excerpts from U.S. Exhibit 95 (Designations of portions of Deposition of School Board Member Juanita Jackson dated September 29, 1994)

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[36]

* * * *

Q. Why does the school district still have predominantly black schools?

A. Our attendance lines determine where a person would go to school and if the area surrounding that school is predominantly black, that is where they would go to school.

Q. Where are those areas that are predominantly black?

A. Plain Dealing. And I do not if there are any others that are predominantly black.

Q. Are you aware that Bossier Elementary School is predominantly black attendance?

A. I know that we do have blacks and whites attending there, but I do not know what the racial makeup is.

Q. Are you aware that Butler elementary school is also predominantly black?

A. Because of the location of those schools, if the area surrounding them is predominantly black, then they would be predominantly black, but I really do not know.

Q. They are in the Bossier City area; is that correct?

A. Yes.

Q. And they are [near] one another?

A. Yes, they are.

* * * *

Excerpts from U.S. Exhibit 97 (Designations of portions of Deposition of School Board Member David L. Harvey dated September 30, 1994)

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[62]

* * * *

Q. Are you aware of what the district's obligations are under the consent decree?

A. No. I am not familiar with it.

Q. Why is it that the Bossier Parish school district has predominantly black schools?

A. Predominantly black schools.

Q. Yes. Schools with predominantly black student enrollment?

A. I would suppose it has to do with the fact that our schools are set up on what I would regard as the neighborhood school concept. Children attend school at a school near their home. I do not know, historically back years ago when busing was a real hot issue in many parts of the country, at that point, I was not involved in school board activities. I do not even remember if I had any children at that time. I do not know if busing was an issue here to get children moved around for purposes of racial balance or anything like that. It is just, ever since I have been a resident of Bossier Parish, we have more or less, and I am using my own term, my operated on the basis of a neighborhood school concept.

Q. If Butler Elementary School and Bossier Elementary School were both predominantly black schools, it would be largely because they are in black neighborhoods?

A. I would suspect so, yes.

Q. Why is it in your view that Plain Dealing Elementary and Plain Dealing High School are predominantly black?

A. Those schools are located in rural parts of the parish and, I believe would more than likely be populated by predominantly black families. It seems to make sense to me.

Excerpts from U.S. Exhibit 98 (Designations of portions of Deposition of School Board Member Boyce Hensley dated September 30, 1994)

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[73]

* * * *

Q. Why does the Bossier Parish public school system have predominantly black schools today?

A. Because of the location of the school and the community concept.

Q. So, Bullers Elementary School and Bossier Elementary School are predominantly black schools because they are in predominantly black neighborhoods?

A. That is correct.

Q. And, in fact, they are contiguous, their attendance zones are very near one another, those two schools?

A. Yes, sir.

Q. Similarly Plain Dealing Elementary School and Plain Dealing High School are predominantly black in your view, for what reason?

A. Because the people that live in that area, the neighborhood system there, the percentage is higher with black than it is in the Airline district.

Excerpts from U.S. Exhibit 99 (Designations of portions of Deposition of School Board Member Marguerite Hudson dated September 29, 1994)

* * * *

[13]

* * * *

Q. Do you know what the percent of— the black percentage student enrollment is in the public schools in Bossier Parish?

A. No, but I could know. It is certainly not anything like what Caddo has. It is around—I [14] don't know. I would rather not guess on the record. I have an idea though.

Q. What is your idea?

A. Well, it is not 20 percent. I don't believe it is 20 percent.

Q. Is it more or less?

A. Less.

Q. Less than 20 percent black students?

A. Yes. But that's—I really don't like to go on the record with being that vague.

Q. What is the minority student enrollment in Caddo Parish? Approximately?

A. It is more than 50 percent. It is about 60/40, I believe. This is common understanding. I am not sure that it is valid figures.

Q. Does that make a difference between the two parishes and the school system?

A. Their ratio as contrasted to our ratio?

Q. Yes.

A. It does.

Q. And what is the difference?

A. You are asking me, "Does it make a difference?"

Q. Yes.

A. And it makes a difference in that some [15] people from Caddo, a good many people have moved to Bossier Parish, in order to get to a school system which has a higher white ratio to blacks. That is one of the reasons that the parish, Bossier Parish is increasing in population, as much as it is. That is just about it.

* * * *

[85]

* * * *

Q. Why is it that the Bossier Parish has predominately black schools, in 1994?

A. Well, the black children's parents do not have cars to transport them to white schools.

Q. So the District doesn't provide transportation for a majority/minority plan?

A. We would. We do. We have that written into our policy. And we would. They do not want to go to a majority white, they want to stay right with their own. They know that they can go to a majority white. They want to stay right with their own.

They know that they can go from majority to minority, I mean, from minority to majority, and we would give them transportation. They can get a—

Q. So why are there predominately black schools?

[86]

A. They like to go to school with their community.

Q. So it is a question of residential area, that are predominately black?

A. Right. Right. It is fiction that they want to go out there, and be with some people that they are not like.

Q. So,—

A. —you just go into one of these schools, and just ask them.

Q. So, Butler Elementary School, and Bossier Elementary School, are predominately black schools in your view, because they are in predominately Black neighborhood in Bossier City?

A. Certainly. Certainly.

Q. And the new one, that is?

A. Right. I believe our policy says that they would have to, I don't know about the transportation. I would need to look at the written policy.

Q. What about Plain Dealing Elementary, and Plain Dealing High School, those are also predominately Black schools, aren't they?

A. What about it?

Q. They are predominately Black schools.

[87]

A. What do you want me to say about it?

Q. Yes, or no?

Q. Oh, they are. And those people love to live Plain Dealing. They love to live up there.

Q. Okay.

A. And most of them don't want to get a big job, they would just rather stay out there in the country, and stay on Welfare, and stay in Plain Dealing.

* * * *

[96]

* * * *

Q. Okay. Would you say—are you familiar at all with Bossier City?

A. Oh, indeed.

Q. Okay. Would you say that there are indeed, [9] communities within the city of Bossier City?

A. Well, there are two, basically, Black communities, within the city, wherein, you probably could, if you could get away from this precinct business, you could come up with some kind of district, Black district. Old Bossier, and Northgate, as I call it.

Q. Yes.

A. Northgate is this over here by Barksdale, on the North end of Barksdale, and that is where a person, who—

Q. Excuse me. Could you show me where old Bossier is on that map?

A. Down in here.

Q. Let the record reflect that the witness is pointing to the left central portion of the City of Bossier.

A. And it would make a lot of sense because you have Butler, and Bossier, Bossier Elementary,

Excerpts from U.S. Exhibit 100 (Designations of portions of Deposition of School Board Member Michelle Rodgers dated September 30, 1994)

* * * *

[14]

* * * *

Q. Where is the black population in Bossier Parish?

A. Well, there is quite a bit around Plain Dealing. There is quite a bit in my district.

Q. Where, specifically, in your district?

A. In the area around Butler Elementary. And Bossier Elementary.

Q. Could you describe that in terms of the city?

A. In terms of the city, Scott Street, Green Street, those areas of Old Bossier.

Q. So, Old Bossier is in your district?

A. Yes. There is another large area of blacks in [15] Ms. Sullivan's district. They refer to that as Jack's quarters.

Q. That is in the city of Bossier?

A. Yes.

* * * *

[100]

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Q. Why is it that the Bossier Parish school district has predominantly black schools? Why is it that the Bossier Parish school district has predominantly black schools?

A. I can only think of two in the parish that would be predominantly black.

Q. What are those?

A. Butler Elementary, which is in my district. And probably Plain Dealing would be predominantly black.

Q. Why are those schools predominantly black?

A. I would assume that Plain Dealing, well, first of all, Plain Dealing has a private school, Plain Dealing Academy and a lot of kids in that area go to that private school. There are also a lot of black people who live in that area. Mr. Myrick could better answer that since he is more familiar with the Plain Dealing area.

Butler Elementary is in the opposite section of my district. I do not live very close to there, but there are black neighborhoods [101] surrounding that school.

Q. Why is Bossier Elementary a predominantly black school?

A. Well, it is geographically very close to Butler Elementary.

Q. Why is Plantation Park Elementary School a predominantly black school?

A. There is a housing project down the street from Plantation Park, which I believe is predominantly black.

Excerpts from U.S. Exhibit 101 (Designations of portions of Deposition of School Board Member Ruth Sullivan dated September 29, 1994)

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[83]

* * * *

Q. Why do you still have predominantly black schools in the Bossier Parish school district?

A. One is because Butler, when we tried to move, get an equal, move those kids from Butler, the people rose up in arms and said, "We want our neighborhood school," and we did everything that we could to make sure that they had their neighborhood school. And, Butler is one of our predominantly black schools.

Q. Butler is in a black neighborhood, that is why it is a predominantly black school?

A. Yes.

Q. What about Bossier Elementary School?

A. Same difference.

* * * *

Excerpts from U.S. Exhibit 96 (Designations of portions of Deposition of Bossier Parish Registrar of Voters William Johnston dated October 12, 1994)

* * * *

[10]

* * * *

Q. Okay. You change and realign precinct boundaries even separate and apart from reapportionment, correct?

A. We do, yes.

Q. How—about how often do you do that?

A. Oh, three or four years, every three or four years.

* * * *

Q. When you do the precinct realignments you can take a large precinct and split it into two—that might be one thing you could do, correct?

A. You could.

Q. Another thing you might do is take two smaller precincts combine them into one, correct?

A. You could.

Q. That's called a precinct consolidation?

A. Uh-huh. (Affirmative)

Q. And you could actually split a large precinct into more than two if you wanted to, correct?

A. Well, it depends on a lot of—on certain situations.

Q. Okay. Tell me about that.

A. Well, it depends if it's inside the city limits or outside the city limits. In other words, the precinct has to

be wholly within or without the city limits. In other words, you can't take a precinct and have part of it in and part of it outside the city limits.

Q. So you couldn't consolidate a precinct outside the city limits with one that's inside the city limits?

A. No.

Q. But you could consolidate two precincts that were inside the city limits together?

A. We could if it was approved by the Justice Department.

Q. And you could consolidate—two precincts that were outside the city limits you could consolidate them together?

A. If it was approved by Justice Department.

Excerpts from U.S. Exhibit 102 (Direct Testimony of former School Board Member Jerome Blunt dated April 10, 1995)

* * * *

[3]

* * * *

5. I wanted to serve on the school board for the same reasons that I served on other policy making bodies. I was concerned as a parent about what my children were being taught. I enjoy being on the policy making end of things and felt that with my background as a parent and my work in special education, I could make a significant contribution to the school district.

6. I also felt that it was important to have minority representation on the school board. Blacks in Bossier Parish do not feel a part of the school system. They feel that, because they do not have representation on the board, they do not have a voice in the decision making and that they are unable to bring about change in the school system. Minority groups, such as the NAACP and the Bossier Concerned Citizens Association, have worked [4] together and presented their issues as a coalition in an attempt to bring to the attention of the school board that the concerns of the black community are not isolated incidents, but real concerns of blacks throughout the parish. The black community's feelings that the school board does not take their concerns seriously are justified because the school board has not been responsive to the concerns raised by the coalition. The most recent example of this lack of responsiveness that I can think of is the board's reluctance to provide the minority coalition with information they had requested relating to the disparities in graduation rates or suspension and expulsion rates between white students and

black students. Some of the members of the board are convinced that Mr. Price, president of the local chapter of the NAACP and spokesperson for the minority coalition, is only interested in information like this so that he can use it against the school board. Because of this attitude, they miss the fact that the members of the minority coalition are genuinely interested and concerned about our young people and request information like this so that they can better understand the problems facing our black school children. They wish to work with the school system to develop policies aimed at addressing the needs of black students.

* * * *

[5]

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8. I took the oath of office as a school board member on September 17, 1992, at the end of the board's redistricting process. At the same meeting, the NAACP presented, for a second time, a map of a redistricting plan for the Bossier Parish School Board that created two black-majority districts. The board did not take the NAACP plan seriously and never gave the plan any serious attention. School board member Boyce Hensley called the plan "ridiculous." School board member Ruth Sullivan, in response to the idea of creating black-majority districts to provide an opportunity for elected black representation on the board, remarked that she could represent blacks as well as a black could.

9. It was my impression, by the time I took office, that the members of the board had already decided informally to adopt the police jury plan, which had no black-majority districts. In fact, at the September 17, 1992 school board meeting, the board passed a motion of intent to adopt the police jury plan and adopted the plan at the next board meeting on October 1, 1992.

[6]

10. In between the September 17 and the October 1 meetings of the school board, I participated in discussions with other school board members regarding the merits of the police jury plan and the NAACP plan. In particular, I recall a discussion at the September 24, 1992, public hearing on the plan about the opposition to the police jury plan presented by Mr. George Price on behalf of the minority coalition. Mr. Price stated that he had consulted with the national chapter of the NAACP and that their lawyers agreed that the police jury plan violated the Voting Rights Act because it did not fairly represent minority voting strength. Price further stated that the board's concerns about the splitting of precincts in violation of state law was superseded by the necessity to comply with federal law. I thought that Mr. Price's presentation raised some concerns that the board needed to address, but there was no further discussion about adopting a plan that was more fair to blacks. I was surprised that some of the board members like Barry Musgrove and Tom Myrick, who had earlier expressed concern about adopting a redistricting plan that met with the approval of the Justice Department, were so willing to ignore the issues raised by the local and national chapters of the NAACP. In fact, I would say that Tom Myrick was one of the most vocal supporters of the school board adopting the police jury plan.

11. To my knowledge, the school board never asked Mr. Joiner about attempting to come up with a plan of his own that might facilitate black representation on the board.

[7]

12. I abstained from voting on adopting the police jury plan at the October 1, 1992 school board meeting. I felt the police jury plan was not fair to blacks and that

by abstaining I would draw more attention to this fact. I made a statement before the final vote on the plan. While I do not recall the exact words I said, the intent of my statement was to make a plea to the board to listen to and to work more closely with the minority coalition in an effort to make the minority community feel more a part of the system. I recall that I also voiced my concern about the lack of minority representation on the school board and that the police jury plan would do nothing to change that. There was no response from any of the school board members to my statement.

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Excerpts from U.S. Exhibit 106 (Direct Testimony of S. P. Davis)

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[1]

* * * *

1. I reside at 2129 North Cross Drive, Shreveport, Louisiana 71107. I have lived at this address for four years. I am an attorney and have practiced law for 20 years. I am currently the sole owner of the Davis Law Office, 4050 Linwood Avenue, Shreveport, Louisiana. I graduated from Southern University Law School in Baton Rouge, Louisiana. I also hold the rank of Lt. Colonel in the Army Reserves. I am the Battalion Commander of an Infantry Battalion stationed in Bossier City, Louisiana. I am married and have three children. My wife is an elementary teacher at the T.L. Rhodes Elementary School in the Bossier Parish School District. My oldest son is 24 years old and attended schools in the Bossier Parish School System for 12 [2] years. My daughter is 14 years old and attended Princeton Middle School in the Bossier Parish School System. She currently attends Bird High School in Caddo Parish. My youngest son is in the 5th grade at Platt Elementary School in the Bossier Parish School System.

2. I was raised in Bolinger, Louisiana, a small community located north of Plain Dealing in Bossier Parish, Louisiana. I attended the segregated school system in Bossier Parish. I graduated from the all-black Carrie Martin High School, which is now an elementary school. I still have family in Bossier Parish.

3. I am the attorney of record for the plaintiff-intervenors, the Bossier Citizenship Education Program, Inc. ("BCEP"), in *Lemon* v. *Bossier Parish School Board*,

C.A. No. 10,687 (W.D. La.) and have represented the BCEP since they sought intervenor status on February 12, 1976, which was granted on March 2, 1976.[1] The *Lemon* case was originally commenced on December 2, 1964, when black plaintiffs brought suit under 42 U.S.C. 1983 to desegregate the public schools of Bossier Parish. The school board was subsequently found liable for intentionally segregating the public schools in Bossier Parish in violation of the Fourteenth Amendment to the United States Constitution. *Lemon* v. *Bossier Parish School Board*, 240 F. Supp. 709 (W.D. La. 1965). From 1965-70, the parties were engaged in protracted litigation in which the Bossier Parish School Board strongly [3] resisted the desegregation of its schools, advancing one inadequate remedial plan after another, including three plans that were rejected by the Fifth Circuit Court of Appeals. On January 20, 1970, the current desegregation plan was approved by the *Lemon* court. The school district has never been declared unitary and that decree, with some modifications over the years, remains in effect today.

* * * *

[11]

22. The low number of black administrators, principals, and teachers in the school district and the fact that the school board has systematically shut out the black community from the policy and decision making aspects of the school system have adversely affected the black students in the Bossier Parish schools. These factors combine to create an atmosphere of racial hostility in the schools and result in black students having higher

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[1] The United States was granted intervenor status as a plaintiff on April 3, 1965.

drop-out rates because they do not receive the same encouragement to excel as the white students. This is particularly true in the schools with student populations that are more than 80 percent white with corresponding faculties that are more than 80 percent white. Black students have higher suspension and expulsion rates than the white students in these schools. Black students are also less involved in extracurricular activities, such as cheerleading and dancelines, where the selection for these activities is done by the white [12] teachers. Years of having predominantly, if not exclusively, white squads in these activities has lowered the spirit and self-esteem of the black students, who no longer feel it is even worth competing because they will not be selected based solely on their race. A recent example at Haughton High School demonstrates that the school board's faculty hiring practices and attitude toward black students have perpetuated an atmosphere of racial hostility in the schools and in the community. In January, 1993, black students at Haughton High School protested the election by the student body of an all-white Winter Court, an event that takes place during basketball season. After the students' protest, the school administration took steps to include black students on the court. This effort fueled the long-standing racial tensions in the school and community. Threats of violence resulted in the school administration cancelling the Winter Court events.

* * * *

[16]

30. As I said earlier, I was raised in the Plain Dealing area of Bossier Parish and remain in touch with this

area through familial and professional ties. It is my understanding from counsel for the United States that the school board has asserted in the instant case that a community of interest does not exist among the black people who would reside in an election district that would include the areas of Plain Dealing, Benton and Princeton. I disagree with that assertion. While the black communities in these areas reside in different towns, they are united in their quest for an end to racial discrimination in Bossier Parish. That unity is clearly demonstrated in their continued struggle against the school board to eliminate, to the extent practicable, the vestiges of racial segregation. The opportunity to elect members to the school board who would [17] represent their views would certainly enhance the possibility that one day the children in the Bossier Parish Schools will be able to exercise their constitutional right to attend a system of schools that is unitary.

31. I personally know only one of the Bossier Parish School Board members, Mr. Henry Burns. I know Mr. Burns because we serve together in the Army Reserves. I have spoken with Mr. Burns on several occasions regarding school board matters that concern black students and the black community. Mr. Burns told me that while he personally favors having black representation on the board, other school board members oppose that idea. Nevertheless, to my knowledge, Mr. Burns has never taken a public stand on this issue. Mr. Burns and I have also discussed other issues such as black teacher recruitment and hiring, and the lack of opportunity for black students to participate in extracurricular activities sponsored by the school district.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 94-01495
(LHS (USCA), CRR, GK)

BOSSIER PARISH SCHOOL BOARD, PLAINTIFF

v.

JANET RENO, DEFENDANT

v.

GEORGE PRICE, ET AL., DEFENDANT-INTERVENORS

DECLARATION OF DR. GEORGE CASTILLE

LIST OF FIGURES

[Figures omitted from J.A. See U.S. Exh. 103 for originals]

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Figure 2-A	Map of 1992 Bossier Parish School Board Redistricting Plan showing district lines over black concentrations by Census block
Figure 2-B	Map of 1992 Bossier Parish School Board Redistricting Plan (close-up view of Bossier City), showing district lines and major roads over black concentrations by Census block
Figure 3	Map of 1992 irregular Bossier City corporate limit 1992 School Board district boundary along Hwy 71, showing odd-shaped district boundaries caused by following corporate limits
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Figure 8 Map of Cooper Alternative Plan District 8 containing a 55% black voting age population

Figure 9 Map of 1992 School Board districts in part of Bossier City, showing separation of black Lamar Street neighborhood from adjacent black neighborhood.

I. INTRODUCTION

A. Qualifications and Experience

1. My name is George J. Castille, III, and I make this declaration pursuant to 28 U.S.C. 1746.

2. I received my Ph.D. in Geography at Louisiana State University in 1993. I teach Louisiana Geography at LSU and work full time as an independent consultant. Other teaching experience includes a course entitled "Old New Orleans and the Cajun Country" which was offered for continuing education credit for teachers, and I have also taught several introductory Geography and Anthropology courses. Over the past 10 years I have worked on about 12 to 15 projects involving disputes over boundaries or property ownership in south Louisiana. I gave expert witness depositions in two boundary dispute lawsuits, *Summersgill Dardar, et al. vs. Lafourche Realty Co. Inc.*, (E.D. La.) and *Hankamer et al. vs. Angelina Hardwood Lumber Co. et al.* (14th Judicial District Court, Calcasieu Parish). The expert witness testimony included interpretation of General Land Office Records, historic maps, and historical documents related to local and regional commerce. My Ph.D. research involved the analysis of Louisiana Supreme Court decisions related to the ownership of waterbottoms. This analysis explored the implications for changes in boundaries along the land/water interface as waterbodies are modified by natural means (see attached vita).

3. More recently, I co authored an expert witness report for *Ray Hays et al., vs. State of Louisiana. et al.* (W.D. La.), a case challenging the congressional districting plan for Louisiana on the grounds discussed in the Supreme Court decision in *Shaw* v. *Reno.* For the *Hays* case I conducted a geographical analysis of twentieth century congressional districts in Louisiana. I compared

the State's plan to prior Louisiana congressional plans and alternative plans proffered by the plaintiffs.

4. I have been retained by the United States to evaluate and compare the district boundaries of various Bossier Parish redistricting plans as to the extent the district boundaries follow such commonly used features as roads, streams, railroads, and corporate limits, and to analyze these plans from the perspective of such traditional redistricting principles as compactness and unifying communities of interest. I am being paid at the rate of $50.00 per hour.

B. Methodology and Data Collection

5. I have used available maps of Bossier Parish to compare the proposed 1992 School Board Plan, the NAACP Alternative Plan, and a second alternative plan developed by William S. Cooper, the redistricting expert employed by the defendant-intervenors in this case. Maps that were used to aid in the interpretation included Census maps, maps of prior redistricting plans in Bossier Parish, historical maps on file in the archives at the LSU Shreveport library, USGS topographic maps (scales 1:100,000, 1:62,500, and 1:24,000), maps produced by the computer-run geographic information systems (GIS maps) of both the United States and William S. Cooper, and road maps published by the Louisiana Department of Transportation and Development.

6. I also conducted a field investigation to examine the layout of the parish in detail and to determine the physical character of the boundary lines involved. During this field investigation, all major communities were visited and various roads were traversed from the Arkansas state line down to the southern end of the parish at the mouth of Loggy Bayou. During this trip, observations

were made as to the physical terrain, natural vegetation, obvious economic activities, settlement patterns, and concentrations of population. Such a field investigation is not necessary for a comparison of redistricting plans, which primarily involves the analysis of maps. In this case, however, the field investigation gave me a better picture of the specific sites on the maps which I analyzed, as well as a ground-level overview of the parish.

II . BACKGROUND AND HISTORICAL SETTING

7. A map of Bossier Parish is provided in Figure 1. Historically, the parish has changed from being primarily agricultural in character to being driven by commerce and industry. This change has driven population and migration trends, particularly with respect to blacks. In the decades after the Civil War, some black residents left the floodplain plantations for the far less agriculturally rich hill country and terraces. Those who remained on the floodplain plantations worked as sharecroppers, and the sharecropper system survived until the middle of the twentieth century. By the 1960s, most blacks had abandoned the floodplain plantations and had become concentrated in urban areas and the hill region. The limited economic potential of tenant farming and sharecropping was one reason why many blacks moved to the parish's cities and why others left the parish for the Northern states. This migration to the north and to urban areas began immediately after the Civil War and peaked during the 1930s and 1940s, accelerated by the Great Depression. (U.S. Census various years, Aiken 1978, Prunty 1955, Lewis 1987). The black out-migration from Bossier Parish continued through at least 1970, substantially reducing the black percentage within the parish. Specifically, the parishwide black percentage dropped from roughly 70% in 1890 to the roughly 20% level seen in 1990.

8. With the recent urban growth associated with the Shreveport-Bossier City metropolitan area, Bossier Parish is becoming increasingly urban in character. The present trend appears to be a continuation of the movement of African Americans from both the floodplain and hill regions to urban areas within Bossier Parish. Bossier City contains the largest concentration of African Americans; over half of the parish's black population lives in Bossier City. The black population within Bossier City is largely concentrated in only a few sections of the city, and the numbers are small compared to the city's white population. The black percentages are higher in the towns of Plain Dealing and Benton. Outside of urban areas, the greatest concentration of African American population in Bossier Parish now is still found in those hill and terrace regions, where soils provide the least agricultural (and therefore economic) potential.

III. COMPARING THE PROPOSED PLAN AND TWO ALTERNATIVES

A. Overview

9. The 1992 School Board Plan uses roads, streams, railroads, and corporate limits as boundary features. The plan relies heavily on roads and corporate limits, which in some cases causes splits of communities of interest—including, in several cases, black communities. The NAACP Plan avoids this fragmentation of communities by relying less on roads and corporate limits as boundaries, and more on streams. Overall, however, in terms of the use of logical, traditional boundary markers, the NAACP Plan is not significantly different from the 1992 School Board Plan. Many of the curves in the rural, northern-parish minority district in the NAACP

Plan are due to the use of natural boundaries such as streams. The Cooper Plan is similar to the NAACP Plan, except that the northern-parish minority district is more compact. Both plans demonstrate that two reasonably compact black-majority districts can be drawn in Bossier Parish for the Bossier Parish School Board. From the standpoint of adherence to traditional redistricting principles, the two alternative plans are no worse, and in some respects better, than the proposed plan.

B. Defining Boundaries

10. Boundaries associated with early settlement often correlated with physical features such as streams, lakes and ridges. However, the trend in post-colonial United States has been that of assigning boundaries based on artificial or man-made phenomena such as orientations of the compass, straight lines drawn between two landmarks, or roads.

11. As with other parishes, Bossier Parish has been subdivided into election districts that correspond to voting areas for Police Jury members, School Board members, or for other elected offices. Generally the district boundaries follow four common features: streams, roads, railroads and corporate limits. In cases where no physical or man-made feature exists, boundaries sometimes follow arbitrary lines that are related to property boundaries.

12. While common, the use of corporate limit lines as district boundaries can be problematic. Corporate lines are frequently drawn in an arbitrary manner. The arbitrariness can stem from an extension of corporate limits well beyond the area of present occupation in an effort to provide room for urban growth. Corporate lines are also a problem when they are not revised, or are revised

only infrequently, to accommodate urban growth outside the corporate limits. Either boundary phenomenon can result in the splitting of communities of interest.

C. The proposed 1992 Bossier Parish School Board Plan

13. As with previous districting plans, the 1992 Bossier Parish School Board Plan (Figures 2-A, 2-B) follows common boundary delimitation practices. District outlines follow typical boundary markers for parish subdivisions. As noted above, the more common district delimiters are roads, streams, railroads, and corporate limit lines. Several more unusual district boundaries include the limits of Barksdale Air Force Base and a division line that runs through the middle of the Air Force base.

14. A few other boundary anomalies were also observed. One example is the unusually shaped boundary along Highway 71 in south Bossier City (Figure 3, blue shading), where a long finger of land from District 12 extends into District 1, ending in a triangular head (Figure 3, Location A). This projection follows an odd-shaped corporate boundary for Bossier City (Figure 3, yellow shading). The Highway 71 anomaly may reflect both an attempt to exclude a stockyard (Figure 3, Location C) from the corporate limits while expanding the limits to include a new subdivision and trailer park (Figure 3, Location B).

15. In another instance, the Benton corporate limits serve as a district boundary, but this particular boundary fragments neighborhoods with economic and racial commonalities. The community of Benton has expanded outside the corporate limits in several areas, and until the corporate limits are revised to include those areas. of

expansion, the corporate limits will continue to fragment those black neighborhoods that straddle the corporate line. By following the corporate limits, the School Board Plan's district boundary reinforces the fragmentation of some black neighborhoods, splitting them between Districts 3 and 4. One cluster of black families lives along Shaffers Road along the east side of Benton (Figure 4, Location A), and the large black subdivision of East Benton lies along Highway 162 just north of the Benton Community Club Cemetery (Figure 4, Location B). Another group of black residents is located immediately north of the Benton corporate limits at the end of Second Street (Figure 4, Location C). The case of Benton illustrates how strict adherence to the legal corporate limits can exclude neighborhoods from the voting area of the social and cultural community as a whole—in this case, the black community. The NAACP and Cooper Plans avoid this fragmentation.[1]

16. As in Benton, the district boundary lines within Bossier City have effectively divided well-established neighborhoods that are predominantly black. For example, the area bounded by Shaver, Beckett, Fuller and McArthur Streets (Figure 6, green shading) is included

[1] While not directly related to the boundaries in the 1992 School Board Plan, the corporate limits of Plain Dealing, as they existed during the 1970s and 1980s, provide another recent example of a Bossier Parish community in which relatively large, predominantly black subdivisions lie immediately outside of the official limits of a community. In the case of Plain Dealing, the corporate limits were extended 1/2 mile to the southwest along a rural highway to incorporate a single white residence (Figure 5, Location A). (That extension was deannexed in recent years, at the request of the sole white resident included.) If the corporate limits were extended *less* than 1/2 mile to the west, then the official community could incorporate DeMoss Hill subdivision, a predominantly black neighborhood of over 50 homes and two churches (Figure 5, Location B). Another

within District 8 when it easily could have been placed within District 7, located immediately to the west. Culturally, this black neighborhood is more likely tied to the black residential area immediately to the west (Figure 6, Location D) than to the heavy commercial strip (Figure 6, pink shading) located along the four-lane Highway 3 (Benson Road) immediately to the east. By setting the boundary along the railroad, the School Board Plan has cut off this neighborhood from the larger community, thus separating approximately 35 houses. Under the School Board's Plan, then, a railroad serves as the arbitrary boundary between two districts, splitting a black community. A nearby road could just as easily have been selected as the boundary, and the larger neighborhood could have remained intact. This is a clear example where a black neighborhood is fragmented by district boundaries. This fragmentation is avoided in the NAACP and Cooper Plans.

C. The NAACP Alternative Plan

17. The NAACP Plan was generated from the 1990 Census database (1992 TIGER/Line Files) using a redistricting computer. The minimum unit of measure was the Census block. Census block boundaries, as designed by the Census Bureau, correspond to visible natural or man-made features.

18. The NAACP plan demonstrates that two reasonably compact districts could be drawn which encompass

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even larger black subdivision, known as Carstarphen Heights, is located immediately south of the corporate limit (Figure 5, Location C). Of course, none of the redistricting plans which I examined have boundaries which follow the Plain Dealing corporate limits; Figure 5 merely illustrates another example of "underbounding" within Bossier Parish.

the significant black population concentrations that exist in Bossier Parish, one in Bossier City (Figure 7-B) and one in the northern central, more rural region of the parish (Figure 7-A). This results in two majority-black districts. District 2 begins in the extreme northwestern corner of the parish and follows the Red River south, extending to the community of Princeton in the north-central part of the parish (Figure 7-A). District 1 is "C"-shaped and is located entirely within the heavily urbanized portion of Bossier City (Figure 7-B).

19. The NAACP alternative plan creates district boundaries that are significantly different from the boundaries of the proposed 1992 School Board Plan. Nevertheless, the alternative boundaries generally follow the same types of natural and man-made features as in the School Board Plan. The boundaries of the NAACP alternative correspond primarily to existing roads and streams, and utilize streams to a greater extent than the School Board Plan. The alternative plan also utilizes railroads, existing district lines, the limits of Barksdale Air Force Base, corporate limits of various communities, an electrical high power line, several rural unimproved roads, and parish ward boundaries. All of these types of boundaries of course reflect visible local features that outline the census blocks. Overall, in the use of logical features such as roads, streams, etc., as boundary markers, the NAACP Alternative Plan is not significantly different from the proposed plan.

20. Stream boundary correlations were noted in at least 14 locations as opposed to 6 in the School Board Plan. While some of the districts in the alternative plan are more elongated than districts of the proposed School Board Plan, this is due to the greater use of streams as boundaries. The more extensive utilization of streams as boundaries is a positive factor. As discussed above, the

use of roads in the School Board Plan has in some cases resulted in the fragmenting of communities of interest. This is not the case with the use of streams as boundaries in the alternative plan. Roads in Bossier Parish are used for transportation today far more than streams, and thus tend to attract settlements along both sides of the road. Conversely, communities of interest straddle streams in Bossier Parish to a much lesser extent, and using streams as boundaries is less problematic.

21. The "fingers" or small projections along the east side of District 2 immediately southeast of Plain Dealing are simply reflections of Census block boundaries that follow stream courses (Figure 7-A, Location A). Irregular-shaped Census blocks, and therefore irregular-shaped district boundaries, are much more likely to occur in rural parishes with hilly terrain such as Bossier Parish than in relatively flat areas such as in the southwestern part of Louisiana.

22. Slightly irregular-shaped boundaries also occur in District 2 immediately north of Plain Dealing (Figure 7-A, Location B), within the Bodcau Wildlife Management Area in the east central part of the parish (Location C), and in the areas immediately north and east of the Black Bayou Reservoir (Locations D and E). These irregular shapes represent boundaries that follow local stream patterns and rural roads.

23. The NAACP alternative plan also differs from the School Board Plan in that, unlike the School Board Plan, district lines divide the corporate limits of Benton, Haughton and Plain Dealing. However, the strict adherence to corporate lines can exclude some subdivisions that are immediately outside the corporate limits but should be considered as part of the suburban core of these communities. As noted previously, examples of

excluded suburban development were found through a field and map investigation of the community of Benton (Figure 4). The NAACP and Cooper Plans avoid this division of areas with a community of interest.

24. Another way in which the alternative plan differs from the proposed plan is in the use of unimproved roads and a powerline as boundaries. While not evident on some parish maps, such features are easily recognizable on USGS topographic quadrangle maps and are of course readily identifiable to people living in the vicinity.

25. The NAACP plan demonstrates that Census blocks can be grouped in such a way that predominantly black districts are created. To create such districts it may be necessary to disregard some of the established official boundaries, such as corporate limits, particularly if those boundaries do not reflect cultural changes that are visible geographically. In the use of logical features such as roads, streams, etc., as boundary markers, the NAACP's Alternative is not significantly different from the proposed plan. It contrasts with the School Board Plan in that it emphasizes the cultural or social element (ie. where people actually live) rather than the strict adherence to arbitrary boundaries that in many ways are not reflective of the cultural conditions that exist today. It is important to realize that boundaries are not only a means of defining an area; boundaries are also a means of exclusion from an area.

D. The Cooper Alternative District 8

26. The final district plan examined in this study is one prepared by William Cooper (Figure 8). The Cooper plan creates a northern parish district that is at least 55 percent black in voting age population. The general shape and location of District 8 of the Cooper

plan is similar to District 2 of the NAACP alternative, but District 8 in the Cooper plan is a little shorter and more compact. With the exception of seven boundary segments, the delimitation of District 8 matches boundary features discussed in either the School Board Plan or the NAACP plan. These seven new boundary segments include roads, streams, and an unimproved road. All of these, of course, follow boundaries of Census blocks. As compared to the two previous plans, the types of features making up the Cooper plan boundaries are more similar to those found in the School Board Plan because it emphasizes roads to a much greater extent than streams.

27. The Cooper district is similar to the NAACP plan's District 2 in that both divide the corporate limits of the communities of Plain Dealing and Benton. But as noted in the School Board Plan discussion, in communities where an exclusionary settlement pattern occurs, the official corporate limits are not a fair representation of the community as a whole, and the exclusionary nature of this type of boundary invalidates the logic of strict adherence to corporate limit lines as a means of delimiting districts. Again, a boundary is created to serve the culture that creates it, not the other way around.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

/s/ GEORGE J. CASTILLE, III

GEORGE J. CASTILLE, III
April 4, 1995

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1973 *A Statistical Profile of Bossier Parish.* Baton Rouge, Louisiana.

[Castille vita attached to U.S. Exh. 103 omitted from J.A.]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 94-01495

(LHS (USCA), CRR, GK)

BOSSIER PARISH SCHOOL BOARD, PLAINTIFF

v.

JANET RENO, DEFENDANT

v.

GEORGE PRICE, ET AL., DEFENDANT-INTERVENORS

DECLARATION OF DR. RICHARD ENGSTROM

Pursuant to 28 U.S.C. Section 1746, I, Richard L. Engstrom, make the following declaration.

1. I am currently research Professor of Political Science at the University of New Orleans, in New Orleans, Louisiana, and Chairperson of the Representation and Electoral Systems Division of the American Political Science Association. A copy of my current curriculum vitae is attached to this declaration as Appendix A.

2. I have done extensive research into the relationship between election systems and the ability of minority voters to participate fully in the political process and to elect candidates of their choice. The results of my

research have been published in the *American Political Science Review, Journal of Politics, Western Political Quarterly, Legislative Studies Quarterly, Social Science Quarterly, Journal of Law and Politics, Electoral Studies,* and other journals and books. Three articles authored or co-authored by me were cited with approval in *Thornburg v. Gingles,* 478 U.S. 30, 53 n.20, 55, 71 (1986), the Supreme Court decision interpreting amended section 2 of the Voting Rights Act. I have also testified as an expert witness in over 30 voting rights cases in federal courts across the United States.

3. I have been requested by attorneys for the Department of Justice to examine the extent to which voting in recent elections involving a choice between or among African American and white candidates in Bossier Parish has been "racially polarized," as that concept has been defined by the United States Supreme Court in *Thornburg v. Gingles.* According to the Supreme Court, voting is racially polarized when there is "a consistent relationship between (the) race of the voter and the way in which the voter votes " or expressed more simply, when "black voters and white voters vote differently" (at 53 n.21). I am being compensated at a rate of $800 per day for my work on this case.

4. Elections involving an interracial choice of candidates have been analyzed because such elections are considered to be the most probative of racially polarized voting. Elections presenting voters with a choice between or among African American and white candidates were the only elections referenced by the Supreme Court in *Thornburg* (see the review of the evidence at 52 and 58-61, and Appendix A at 80). The Fifth Circuit has ruled in *Citizens for a Better Gretna* v. *City of Gretna,* a Louisiana case, that "implicit in the Gingles holding is the notion that black preference is deter-

mined from elections which offer the choice of a black candidate." 834 F. 2d 496, 503 (1987).

5. As a general matter, the most relevant interracial elections to analyze are recent elections for the office at issue, but when only a few minority candidates have contested elections for that office, it is appropriate to analyze the voting in interracial elections to other offices as well [see *Westwego Citizens for a Better Gov't v. City of Westwego*, 872 F. 2d. 1201, 1208-1209 n.9 (5th Cir. 1989)]. I have analyzed therefore not only the three most recent interracial elections for seats on the Bossier Parish School Board, which were held in 1986, 1990, and 1993, but also other interracial elections. These include the only parishwide interracial election for a local office in recent years (the 1988 election for a seat on the 26th Judicial District Court) and all of the elections to local offices within the parish during the 1990s that involved an interracial choice of candidates.

6. Voters across all of Bossier Parish have been presented with a choice between or among African American and white candidates for local offices on only one occasion in recent years. That occurred in the 1988 primary election for a seat on the 26th Judicial District Court. In order to determine the extent to which voting in this election was divided along racial lines, I have performed a bivariate ecological regression analysis and a homogeneous precinct (or extreme case) analysis of this election. These are the standard methodologies, approved by the Supreme Court in *Thornburg*, for assessing racial divisions in voting through precinct-level election returns (at 52-53).

7. Homogeneous precinct analysis focusses on precincts in which the voters are predominantly of one race or the other. The votes cast in these precincts provide the basis for estimates, under this methodology, of

the level of support that each of the respective groups has provided a particular candidate. In the 1988 primary election, over 90 percent of the people signing in to vote was white in 25 of the 43 precincts in Bossier Parish. These precincts are identified therefore as homogeneously white. The African American candidate for the seat on the 26th Judicial District Court in this election, Bobby Stromile, was not the choice of the voters in these homogeneous white precincts. Stromile received 31.1 percent of the votes cast in this election in these 25 precincts, compared to 69.9 percent for his white opponent. The highest percentage of African Americans among those signing in to vote in any of the precincts was 75.1, so none of the precincts can be considered homogeneously African American and no extreme case estimates of the African American support for Stromile can be derived from this analytic technique.

8. Estimates of the support for Stromile among both African Americans and whites can be derived through regression analysis, however. This procedure relies on the votes cast in all of the precincts, not just those that are cast in racially homogeneous precincts. Regression analysis is based on a systematic comparison of the votes cast for the various candidates in each of the precincts and the relative presence of African Americans among those signing in to vote in each precinct. There is a very consistent relationship between the percentage of those signing in to vote that was African American in each precinct and the percentage of the votes received by Stromile in the precincts. This relationship can be summarized by a correlation coefficient, which has a value of 1.0 when the relationship is perfectly consistent. The value of the correlation coefficient for the relationship between Stromile's vote and the racial composition of the precinct is .842, which is statistically significant at .0001 (in other words, the

probability of a relationship of at least this magnitude occurring by chance is less than 1 in 10,000). The estimate of Stromile's support among the African Americans voting in this election, derived through regression analysis, is 79.2 percent. The regression-based estimate for his support among the whites voting in this election is 28.9 percent.

9. In addition to this latest parish-wide election, I have examined the votes cast in the last three elections for seats on the school board in Bossier Parish in which the voters in the respective districts had a choice between African American and white candidates. The most recent of these elections was in 1993. The other two occurred in 1990 and 1986.

10. The 1993 election was a special election for the District K seat on the parish school board. The African American candidate in this election, Jerome Blunt, had been appointed to this seat in 1992. He sought election to the seat the following year, along with one white candidate. District K is a homogeneously white district. At the time of this election, 92.0 percent of the registered voters in this district was white. On election day, 97.4 percent of those signing in to vote was white. Blunt was obviously not the choice of the white voters in this election. Blunt lost his seat on the school board to his white opponent, receiving only 23.9 percent of the votes cast. Even if every vote Blunt received had been cast by a white voter, and every African American who signed in to vote had cast a ballot for Blunt's opponent, Blunt would still have received only 24.5 percent of the white votes in this election. Which candidate was in fact the choice of the few African American voters in this election cannot be determined through these precinct-level data.

11. The 1990 and 1986 interracial school board con-

tests were both held in District J. The African American candidate in 1990 was Johnny Gipson, who competed with one white candidate for the position. In 1986 the African American candidate was Jeff Darby, who also competed for the position with one white candidate. Both of these candidates lost the election in this majority white district.

12. District J consisted of two precincts that have been described in this case's *Joint Statement of Material Facts and Conclusions of Law About Which There Is No Dispute* as "distinctive" and "unique" precincts in Bossier Parish (paragraphs 161 and 162). These were precincts 2-15 and 2-16, which included Barksdale Air Force Base and areas adjacent to the base. Many of the white voters in this area are military retirees who are not from Louisiana, let alone from Bossier Parish, and who therefore "tend on average to vote in a less polarized way" than other whites in the parish (paragraphs 162 and 163).

13. At the time of these elections, precinct 2-16 was homogeneously white and precinct 2-15 was racially mixed. In precinct 2-16, 97.4 percent of those signing in to vote in 1990 was white, and 99.2 percent of those registered to vote in 1986 was white. (Sign-in information is not available for elections prior to 1988.) In both of these elections, this precinct supported the white candidate. Gipson received 31.8 percent of the votes cast in this precinct in 1990, and Darby received 26.6 percent in 1986. In contrast, Gipson and Darby both won precinct 2-15 in these elections. African Americans constituted 48.9 percent of those signing in to vote in 2-15 in 1990, and 48.9 percent of those registered to vote in 1986. Gipson received 73.5 percent of the votes cast in that precinct in 1990, and Darby received 75.9 percent of the votes cast in 1986. While the data for these two

precincts do not provide a sufficient basis for deriving specific point estimates of the support of the different groups for Gipson and Darby, the contrast in candidate support between the two precincts certainly suggests that these African American candidates were the choice of the African American voters in these elections, but not the choice of the white voters.

14. In addition to the analyses reported above, I have also examined the vote in the six other elections in the parish during the 1990s in which voters were presented with a interracial choice of candidates. These elections occurred in different places around the parish. They include the elections for the District 1 and District 2 seats on the Bossier City Council in 1993, an election for the Haughton Board of Alderman and an election for Mayor in Benton in 1992, and a parish Police Jury election for District 7 and a mayoral election in Haughton in 1991. In all of these elections, a majority of those signing in to vote was white, and in all of these elections the African American candidates were defeated, including the two African Americans who were incumbents at the time.

15. In the Bossier City Council elections in 1993, Will Jones was the African American candidate in District 1 and Jeff Darby was the African American candidate in District 2. Jones had two white opponents, while Darby, an incumbent, had one white opponent.

16. Voters in five precincts, all of which were homogeneously white, participated in the District 1 election in Bossier City. The percentage of people signing in to vote in this district that was African American was 4.9. The African American candidate in this election, Jones, was not the choice of white voters, having received only 10.1 percent of the votes cast in this election.

17. The other Bossier City councilmanic election occurred in District 2. Precinct election returns and sign-in data indicate that in this election the African American voters preferred Mr. Darby while the white voters preferred his white opponent. Mr. Darby's vote exceeded his opponent's vote in the only two precincts in which a majority of those signing in to vote was black. He received 66.2 percent of the votes cast in precinct 2-8, in which 72.0 percent of those signing in to vote was black, and 57.5 percent of the votes cast in precinct 2-15, in which 85.5 percent of those signing in to vote was black. The only other precinct that Darby won was his home precinct, 2-16, a homogeneously white precinct in the Barksdale Air Force Base area in which he received 52.7 percent of the votes cast. Darby lost the other four precincts, three of which were homogeneously white. He received 36.7 percent of the votes cast in these precincts, and 46.7 percent in the district overall.

18. Darby's overall support among the African Americans voting in this election is estimated, through regression analysis, to be 61.0 percent, while his vote among the white voters is estimated to be 41.3 percent. The correlation coefficient for the relationship between the percentage of the votes received by Darby and the racial composition of the precincts is .569. This coefficient, based on only seven precincts, is not statistically significant. In the homogeneous white precincts Darby received 45.7 percent of the votes cast.

19. In October of 1992, Cashie Cole, an African American incumbent on the Haughton Board of Aldermen, lost his bid for reelection. This was an at-large election in which five seats were to be filled and each voter had five votes to cast. All of the votes cast in the Haughton election were cast in one precinct, so no estimates of the racial division in the vote can be pro-

vided. African Americans constituted a minority, 25.6 percent, of the people signing in to vote in this precinct, however, and Mr. Cole finished sixth among seven candidates, with 13.9 percent of the votes cast.

20. Another interracial election in 1992 was a mayoral contest in the Town of Benton. Votes in this election were also cast in a single precinct, so again no estimates of the racial breakdown in the vote can be provided. African Americans constituted 38.3 percent of the people signing in to vote in this precinct, and the African American candidate, Thelma Harry, received 36.2 percent of the votes cast.

21. In October of 1991, African American candidates competed with white candidates for the District 7 seat on the parish Police Jury, and for the mayoralty in Haughton. District 7 for the Police Jury consisted of five precincts. Precinct election returns indicate that the African American candidate in that contest, Leonard Kelly, was the choice of neither the African American voters nor the white voters. A regression analysis of the five precincts in this election produces an estimated vote for Kelly among African Americans of 41.5 percent, and among whites of 33.8 percent. The correlation coefficient for the relationship between the percentage of the votes received by Kelly and the racial composition of the precincts is .270. This coefficient is not statistically significant. Only two precincts were racially homogeneous; both were white precincts in which Kelly received 38.3 percent of the votes. (The only other African American candidate for a seat on the Police Jury in 1991 was Jerome Darby, an incumbent seeking reelection in District 10. There was no election in this district, however, as Mr. Darby was unopposed.)

22. The other election in 1991, that for the mayoralty in Haughton, was held in one precinct, so once again no

racial breakdown of the vote can be estimated. African Americans constituted 25.4 percent of those signing in to vote in this precinct, and the African American candidate in this contest, Mark Hill, finished last among three candidates, with 10.8 percent of the votes.

23. In summary, the only parishwide election in recent years in which the voters in Bossier Parish had a choice between an African American and a white candidate for a local office, the 1988 election for a seat on the 26th Judicial District Court, resulted in the voters being clearly divided along racial lines. Had only the votes of the African American voters been counted in that election, Bobby Stromile, the African American candidate, would have won that election. Stromile, however, was vetoed by the white voters of the parish. African American voters likewise would have elected Johnny Gipson to the school board in 1990 and Jeff Darby to the school board in 1986. These candidates were also vetoed by the white voters in those elections. In all three of these elections, therefore, voting was "racially polarized." While it is impossible to determine, given the limited data, whether Jerome Blunt was the candidate of choice of the few African American voters in the District K election for the school board in 1993, it is without question that he also was not the choice of the white voters in that election.

24. All of the other African American candidates competing in interracial elections in areas throughout the parish during the 1990s also lost. Data limitations preclude a determination of who the choice of African American voters was in all but two of these elections, the District 2 contest in Bossier City in 1993 and the District 7 Police Jury election in 1991. In the first of these elections, the African American candidate, Jeff Darby was an incumbent favored by the African

American voters in the district. He was defeated, however, by the white voters. In the Police Jury contest, the African American candidate does not appear to have been favored by either racial group. While the data for the District 1 election in Bossier City in 1993 do not allow one to determine who the choice of African American voters was, it is without question that the African American candidate, Will Jones, was not the choice of white voters. The remaining three elections were held in only a single, mostly white precinct, and in all three the African American candidates were likewise defeated.

25. Given the differences in the candidate preferences of the African American and white voters in Bossier Parish revealed in the analyses reported above, I must conclude that African American voters are likely to have a realistic opportunity to elect candidates of their choice to the Bossier Parish School Board only in districts in which they constitute a majority of the voting age population.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on December 8, 1994.

/s/ RICHARD L. ENGSTROM
RICHARD L. ENGSTROM

[Engstrom vita attached to U.S. Exh. 107 omitted from J.A.]

Excerpts from Defendant-Intervenors' Exhibit B (Final Direct Testimony of Defendant-Intervenor George Price dated April 9, 1995)

* * * *

[8]

17. On September 24, 1992, approximately 40 black citizens from various parts of the community attended the public hearing on redistricting. About 4 or 5 persons spoke against the plan on behalf of our coalition. I attended this meeting and was one of the speakers. All of these speakers spoke in favor of adoption of a plan that resembled the NAACP proposal and contained two majority black election districts. Not one person present at the public hearing spoke in favor of adoption of the Police Jury plan. The NAACP Redistricting Project had sent me a memo which I could use as the basis of my presentation to the Board. That memo is attached as Defendant-Intervenors' Exhibit 10. My presentation to the School Board covered all of the points in the memo as I basically read it to the Board. I again repeatedly emphasized that federal law should prevail over state law and that they could not ignore the Voting Rights Act over concern about precinct lines. I told them that the precinct law should not infringe on any citizen's right to vote. I told them that Joiner wasn't a lawyer and was wrong in what he told them. The School Board members listened to the comments of our representatives, with some of them occasionally stating that they couldn't do anything because of the problem with the precinct lines. The Board took no action at the hearing but just adjourned after hearing the comments from the public.

Excerpts from Defendant-Intervenors' Exhibit B (Supplemental Testimony of Defendant-Intervenor George Price dated April 9, 1995)

* * * *

28. Sometime after the School Board had submitted its proposed redistricting plan to the Department of Justice, I had lunch with the Board president at the time, Barry Musgrove. A local minister, Reverend John Dansby joined us. I remember this meeting in particular because we ate at the University Club in downtown Shreveport, near Mr. Musgrove's office. I had been continuing to encourage the School Board publicly and some School Board members privately to consider a redistricting plan with some black majority districts. Mr. Musgrove told me at this lunch meeting that there "just was not anything he could do" to get the Board to consider such a plan. He did not mention anything about splitting precincts or about the shape of black majority districts, but explained that "the votes simply were not there." He said that, while he sympathized with the concerns of the black community, there was nothing more he could do for us on this issue because the Board was "hostile" toward the idea of a black majority district.

29. I also recall a discussion sometime in 1993 with another School Board member, Thomas Myrick. Several Board Members had met with several representatives of the black community to discuss some of our concerns about the operation of the School District. The meeting was fairly tense. After the meeting, Thelma Harry and I had a discussion with Mr. Myrick. One of the issues that had come up in the meeting was the fact that Plain Dealing High School, a predominantly black school in Mr. Myrick's district, was the only Bossier Parish high school not to receive computers with certain dedicated

revenues received by the Board. Mr. Myrick was angry and said that he was doing the best he could do. He then asked us why we wanted "his seat." He said that he had worked too hard to get that seat and that he would not stand by and "let us take his seat away from him."

[NAACP letterhead omitted]

March 25, 1992

Mr. W. T. Lewis
Superintendent, Bossier Parish School System
School Board
P.O. Box 218
Benton, Louisiana 71006

Dear Superintendent Lewis:

It is my understanding that the Bossier Parish School Board is in the planning stage of reapportionment of school districts in Bossier Parish. If that is true, I would like to be included in all phases of the plan, and be place[d] on the list to be notified whenever this issue is discussed.

I understand that in accordance with Federal rules because there are no minorities on the School Board, I would like to represent a portion of the community in this process.

I look forward to hearing from you concerning this matter in the very near future.

Respectfully yours,

/s/ GEORGE PRICE

GEORGE PRICE
President, Bossier Parish NAACP

[NAACP letterhead omitted]

August 17, 1992

Mr. W. T. Lewis, Superintendent
Bossier Parish School System
School Board
P.O. Box 218
Benton, Louisiana 71006

Dear Superintendent Lewis:

In a previous letter dated March 25, 1992, a request was made to you concerning the reapportionment of school districts in Bossier Parish. In that letter the Bossier Parish Branch NAACP requested to be included in the reapportionment process and to this date, August 17, 1992, we have not received a reply from your office. It is now our understanding that this process is nearly completed. We regret this. Therefore, we advise you that the Bossier Parish Branch NAACP will be in opposition to the continuation of school districts that do not fairly represent all parish citizens.

We further request that the Bossier Parish Branch NAACP be allowed to come before the Bossier Parish School Board and present our views on the issue. As you know there are no Blacks on the School Board nor has there ever been. We are very concerned about this and feel that this issue must be addressed in the reapportionment process in order to create a School Board that represent the ethnic make-up of the Parish.

We look forward to working with you and the demographer in order to create districts that provide fair opportunity for anyone desiring to participate in the democratic process that select members for the School Board.

Because of the progress already made in this matter, we look forward to hearing from you within the next ten working business days.

Respectfully yours,

/s/ GEORGE S. PRICE

GEORGE S. PRICE, President

Bossier Parish Branch NAACP

September 18, 1992

Mr. David Harvey
President, Bossier Parish School Board
P.O. Box 2000
Benton, Louisiana 71006-2000

In Turn: Mr. W.T. Lewis
Superintendent, Bossier Parish Schools
P.O. Box 2000
Benton, Louisiana 71006-2000

Dear Mr. Harvey:

We, Citizens of Bossier Parish, requested that you as our elected officials, develop and establish three black school board districts that will greatly increase the possibility of minorities to be elected and represented on the Bossier Parish School Board. We believe that any plan that does not provide for fair and true democratic representation for all citizens should not be approved by this board.

We request that you give the plan submitted by the NAACP your upmost consideration and that you use it as a foundation to create black minority districts. All parish citizens must be represented in the democratic process which governs our schools and by having them included, we create a school system that is strong, effective and impartial.

Therefore, we urge you to reject any plan that does not provide true representation for all citizens of the parish. This does include rejection of districts that parallel with existing or recommended lines of the election districts of the Bossier Parish Police Jury.

Respectfully submitted:

/s/ GEORGE S. PRICE
GEORGE S. PRICE
NAACP
Men's Club of Bossier

/s/ JERRY HAWKINS
JERRY HAWKINS
Concerned Citizens
Men's Club of Bossier

/s/ JAMES ABRAMS
JAMES ABRAMS
Voters League

/s/ MARY WIGGINS
MARY WIGGINS
Bossier Housing Tenant Coalition

/s/ ANDREW DAVIS
ANDREW DAVIS
Concerned Parents of Plain Dealing

NAACP REDISTRICTING PROJECT MEMORANDUM

To: George Price, Bossier Parish NAACP

From: Samuel L. Walters, Assistant General Counsel
Ian Millett, Redistricting Analyst

Date: September 24, 1992

Re: Redistricting of Bossier Parish School Board
NAACP Proposal for Election Districts
"Legal Opinions" Given to Board by Gary Joiner

In light of our recent conversation in which you informed me of the proceedings before the Bossier Parish School Board, I wish to provide you with the following information which you can use in advocating your position before the Board. Some of these points have been made by you before, but it might be useful for you to have received the information from a lawyer since no attorney is stepping forth to tell the Board the undisputed principles of law that should control the redistricting of the Board.

1. The laws and Constitution of the United States are superior to those of Louisiana or any other state.

The laws and Constitution of the United States are always supreme to those of the various states. The Louisiana law stating that election districts must be created from whole precincts must give way to the requirements of the Voting Rights Act and the U.S. Constitution. While it might be true that adoption of school board district lines that cross existing precinct lines is a violation of that Louisiana law, that is not a sufficient justification for violating Federal law. In all likelihood the oath of office taken by each of the current school

board members included a pledge to uphold the laws and Constitution of the United States. The current board members should be mindful of this. The law requiring use of precincts is not in and of itself illegal, but it is a violation of the Voting Rights Act if its implementation causes dilution of the minority vote. Such is clearly the case in Bossier Parish.

Terrebonne Parish tried to use this argument to avoid creating a majority black district and our challenge to the Justice Department resulted in them having to redraw their lines to create a third district. These districts were created using census blocks.

2. Mr. Gary Joiner is a map drawer, not a lawyer, and his attempts at giving legal advice should be treated accordingly.

It seems that the local lawyers are abdicating their responsibility to provide the board with sound legal advice and are letting Mr. Joiner step into this vacuum and give "legal evaluations" of the various plans now before the board. Mr. Joiner is not a lawyer and is not aware of all of the legal ramifications of these evaluations. Furthermore, the evaluations are simply wrong. However, what is more disturbing is the fact that Mr. Joiner knows that the law is contrary to the opinions he is giving to the board. He and I have had conversations where he acknowledged that using the whole precinct law in this case and several others prevents or impedes the creation of a majority black district and thus constitutes a violation of the VRA. He also understands the concept that Federal law is supreme.

3. The fact that the Justice Department precleared the earlier plan does not in anyway mean that the School Board's submission of the same district lines will be precleared or that they will withstand a lawsuit.

The Police Jury plans were precleared without any opposition. Since there were no presentations of alternate maps showing that other configurations offered more empowerment opportunities for the black community, the Justice Department probably didn't look at the Police Jury lines too hard. If the School Board persists and passes the same district lines, they can be assured that the NAACP Redistricting Project will assist the local Branch and have a letter of opposition and the alternate maps to the Justice Department before the Parish's submission is even in to Justice.

Even if the Justice Department were to preclear the same plan, such preclearance does not make the Parish immune from litigation. The Voting Rights Act specifically states that Justice Department preclearance under Section 5 does [*sic*: not] determine the outcome of litigation filed under the more general provision of Section 2, nor does it preclude the filing of such litigation.

Excerpts from Defendant-Intervenors' Exhibit B (Final Direct Testimony of Defendant-Intervenor Thelma Harry dated April 9, 1995)

* * * *

[7]

16. On several occasions in recent years, the NAACP has presented the School Board with a list of concerns about the operation of the school system. These lists have been developed from meetings of the executive committee of the NAACP where we tried to take all of the many complaints we had received about the school system and put them into categories. Most of these lists have contained the same problems over and over as no action ever seems to be taken to solve the problems. After one time when we presented them with a list of some of our complaints, the School Board set up a Community Affairs Advisory Council in early 1993. This was to be a committee of six people selected by the NAACP and six people selected by the School Board. I was one of the representatives selected by the NAACP. There were two preliminary meetings to establish the Council and its membership. Then regular meetings were to be held monthly. After only one regular meeting, we received a letter, dated March 16, 1993, stating that the School Board had cancelled the Council. A copy of the letter that I received from the School Board announcing the disbanding of the committee is attached as Defendant-Intervenors' Exhibit 17 [omitted from J.A.]. We were also told that the Council had to be canceled because there was already a Bi-Racial Committee established by the consent decree from the school desegregation suit and this one would be illegal. We were angered and disappointed at the cancellation of the Council, but we were not really surprised as it seems that the School Board and school system do not really

want to deal with the problems that face the black students and parents. Many of us had no knowledge that there was any such Bi-Racial Committee in existence with which the Council could have conflicted. Then we found out that the annual reports which the School Board had been sending to the Court and the Department of Justice left the impression that the original Bi-Racial Committee was still functioning when in fact it had not met in years. This made the leadership and membership of the NAACP and other groups very disappointed and angry.

Excerpts from Defendant-Intervenors' Exhibit E (Supplemental Testimony of Defendant-Intervenor Thelma Harry dated April 9, 1995)

* * * *

19. After one of the meetings of a group of NAACP members and a few school board members in 1993 (see paragraph 17 of the Final Direct Testimony of Thelma Harry), Mr. George Price and I had a conversation with Mr. Tom Myrick. Things in meeting itself had been somewhat on edge because it was clear that the representatives of the black community were not going to be satisfied by more promises to look into problems, but wanted concrete steps taken to solve the problems. During this meeting, one of the issues we had raised was the fact that the Plain Dealing High School was the only high school in the parish that did not get any money for computer purchases from a program called BEEF. Plain Dealing is in the northern part of the Parish in Mr. Myrick's district. It is the only majority black high school in the parish. After the meeting, Mr. Myrick complained that we were always trying to take his seat and stated that he was not going to let us take it away from him.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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DIRECT TESTIMONY OF DAVID CREED

1. My name is David Arnold Creed. I am the Director of North Delta Regional Planning & Development ("North Delta") in Monroe, Louisiana. I have held this position for 14 years.

2. North Delta provides technical assistance and demographic advice to governmental bodies throughout the northeastern Louisiana region.

3. One of the services we provide is consultation concerning, and the development of, reapportionment plans. We draw redistricting maps and precinct maps for school boards, parishes, and municipal governments in Louisiana. In addition, I testified in the lawsuit of *Knight v. McKeithen*, No. 94-848-A. 2 (M.D. La. August 19, 1994), on behalf of the defendant East Carroll School Board.

4. As a result of our redistricting work I am familiar with the requirements of both federal and state law concerning reapportionment in Louisiana. In particular, I am familiar with the preclearance requirements Section 5 of the Voting Rights Act and with Act 925, the Louisiana Statute limiting the ability of local school boards to alter precinct lines.

5. Over the past two years, I have worked with several governmental entities on reapportionment projects which have involved potential conflicts between the Voting Rights Act and the precinct-splitting law. In none of these situations have the limitations on a school board's ability to split precincts prevented the adoption of a redistricting plan that met the requirements of Section 5.

6. For example, we worked with the West Carroll Parish School Board in developing its redistricting plan. West Carroll was unable to develop a reapportionment plan which met the requirements of the Voting Rights Act without splitting some precinct lines. However, after the Department of Justice precleared West Carroll's plan it was able to satisfy state law requirements by having the West Carroll Police Jury, the parish governing body, alter existing precinct lines.

7. Likewise, we worked with the Franklin Parish School Board, whose situation was similar. Franklin needed to split precincts to satisfy Section 5 requirements. We helped the Franklin Parish School Board develop new precinct maps and descriptions which it submitted to its police jury for approval.

8. In both West Carroll and Franklin Parish, the school boards paid the police juries' costs in establishing new precinct lines, which amounted to one or two thousand dollars in each case. Once the school boards agreed

to cover these costs, the police juries expressed no further reservations about adopting the precinct changes necessary for the school boards to implement election plans in compliance with federal law.

9. We also worked with the Ouachita Parish Police Jury and Registrar of Voters in drawing and describing new precincts for use by the Monroe School Board, a metropolitan district within Ouachita Parish.

10. Although municipal governments in Louisiana, as opposed to school boards, are not governed by the restrictions of Act 925, they also frequently have to rely on parish governing bodies, usually the parish policy juries, to alter precinct lines. For example, many small municipalities with single member districts have more seats in municipal elections than there are regular precincts within the borders of the municipality. This is another occasion in which police juries are frequently called upon to "split" precincts.

11. Such precinct-splitting raises few practical difficulties. To establish new precincts requires new maps, legal descriptions, and a resolution by the parish governing body. To implement them requires new polling places, or more simply the use of lockouts or additional machines at existing polling places. These efforts were the principal sources of the costs identified in paragraph 8 in West Carroll and Franklin Parishes.

12. Police juries and school boards in Louisiana also frequently adopt different single-member election districts. For example, five or six of the 11 parishes in my planning district have different election plans for school board and policy jury.

13. In sum, while I have observed several instances of apparent tension between the requirements of Section 5 of the Voting Rights Act and Louisiana's precinct-split-

ting statute, this tension has been fairly easily resolved by several school boards with which I am familiar.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of February, 1995 in the City of Monroe in the Parish of Ouachita, State of Louisiana.

/s/ DAVID ARNOLD CREED

DAVID ARNOLD CREED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 94-1495
(LHS (USCA), CRR, GK)

BOSSIER PARISH SCHOOL BOARD, PLAINTIFF

v.

JANET RENO, DEFENDANT

v.

GEORGE PRICE, ET AL., DEFENDANT-INTERVENORS

SUPPLEMENTAL TESTIMONY OF DAVID CREED

14. I heard Mr. Joiner testify that he informs school boards of all of their redistricting options. I also do the same. This includes informing them about Act 925, the Louisiana statute limiting precinct splits by school boards. In helping to prepare redistricting plans based on the 1990 census, I also informed school boards that one of their options was to adopt a plan splitting precincts and ask the police jury to establish the necessary new precincts. I also informed them that if they adopted a plan with a number of seats different than the police jury, that they had the ability themselves to establish some new precincts prior to December 31, 1992.

15. In addition, I informed school boards about the Voting Rights Act, including the possibility that its requirements may conflict with Act 925. I informed clients that in such a situation federal law prevails and

claiming that they are unable to split precincts is not a valid excuse. I would not consider myself to have done my job as a consultant if I had not informed them of this matter and others.

16. I heard Mr. Myrick and Mr. Musgrove say that they relied on Mr. Joiner's statement that they could not split precincts. In my experience, this would be unusual. Board members normally ask many questions, are nearly always concerned about incumbency, and usually direct me to prepare a plan different than what I originally recommend. This is also the case with my colleagues in the other Planning and Development Districts around the state of Louisiana. For example, when I initially told the West Carroll Parish School Board that they likely would need to have a black majority district, some individual board members told me that they did not wish to be "blamed" for this and that if they had to, it would be better if it were construed to be forced by the "federal government." As I testified in my original direct testimony, this happened.

17. I heard Mr. Joiner testify about his estimates of the cost of holding elections with additional precincts. In my view, his estimates represent total costs and not costs to the local school board. Furthermore, they represent a worst case scenario in terms of total costs because they:

(1) assume separate election commissioners and supervisors for every precinct;

(2) assume that lockouts could not be used; and

(3) assume that police juries would not reconsolidate precincts.

All of these assumptions are unlikely.

18. Mr. Joiner's rebuttal testimony misses the point of my direct testimony concerning municipal elections in Louisiana. That point is that police juries in virtually all sixty-four of Louisiana's parishes have to deal with precinct splitting by municipalities. While this splitting is not prohibited by state law, it still requires local government bodies to incur the same costs and inconveniences of precinct splitting that school boards do when they must ask police juries to split precincts.

19. I heard Mr. Joiner testify about his concern about precinct splitting. In my work, I am called upon to help governmental bodies develop precinct lines. Precincts are drawn largely based on geographical concerns rather than demographic characteristics of the population. They vary widely in the number of voters per precinct and are somewhat arbitrary.

20. I disagree with Mr. Joiner's definition of gerrymandering. To me there is a difference between attempting to draw a black majority district and racial gerrymandering. The difference is that gerrymandering involves drawing voting districts in a tortuous or convoluted way in order to render contiguous pockets of minority population that cannot be connected consistent with normal redistricting principles.

21. I recently was shown the Bossier Parish School Board's proposed redistricting plan and the illustrative plan developed by Bill Cooper without being told which was which. In my opinion, neither contains districts that appear to be gerrymandered. Furthermore, I concluded that neither plan on the whole was any more "gerrymandered" in its appearance than the other. Both appeared to have districts that were sufficiently compact and contiguous.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of April 1995 in the Washington, D.C.

/s/ DAVID ARNOLD CREED

DAVID ARNOLD CREED

Excerpts from Volume I of Trial Transcript in *Bossier Parish School Board* v. *Reno*, C.A. No. 94-1495 (D.D.C.), April 10, 1995

Testimony of Plaintiff's witness Barry Musgrove—Cross Examination by the Defendants

* * * *

[41]

* * * *

Q. And you are aware, are you not, that Police Juries can change precinct lines once they have been established?

A. Basically I understand that, yes, ma'am.

Q. And there is certainly no state law requirement that would prohibit a School Board, just as any other member, or any citizen of Bossier Parish, for that matter, from requesting of the Police Jury that they change there precinct lines?

A. Restate, please?

Q. You are not aware, are you, of any state law requirement that would prohibit the School Board, or any citizen of Bossier Parish, from requesting that the—of the Police Jury that they change their precinct lines?

A. I am not aware of any such law, no, ma'am.

Q. And, in fact, that does, indeed, happen from time to time, are you aware of that?

A. I would assume so, yes, ma'am.

Q. So you would agree with me would you not, Mr. Musgrove, that there is no reason why a School Board could not develop its own redistricting plan, and if it split precincts, then go to a Police Jury with a request to

reconfigure its precincts to accommodate that plan?

MR. THORNTON: Objection, Your Honor.

THE COURT: Overruled.

[42]

MR. THORNTON: She said —

THE COURT: Overruled. Overruled.

THE WITNESS: Ms. Sardeson, I am comfortable with addressing the Bossier situation, but I am not real comfortable addressing any other parish situation. I assume that any parish can do anything that they have a desire to do.

But in our situation, our initial hope was to jointly develop a plan between the two public bodies, and when that did not come to fruition, the Police Jury said that they were going to do their own thing, and when that went out the window, then we proceeded in the other direction of retaining Mr. Joiner.

BY MS. SARDESON:

Q. My specific question to you, and I will put that in Bossier Parish then. You are not aware of any state law requirement, are you, that would have prevented the School Board, the Bossier Parish School Board, from developing a redistricting plan, or discussing developing a redistricting plan that split precincts, and if it did that going to the Police Jury to—and requesting it to reconfigure the precincts to accommodate that plan?

A. Ms. Sardeson, my response would be that my understanding, and certainly I am not a lawyer, but my understanding was that that would have been possible if we [43] jointly worked on developing precincts, but that once the Police Jury established their lines, then we were obliged to operate within the precinct lines so established by their rules.

Q. So it is your understanding that the Police Jury can't split precincts?

A. Well, I have—I have two feelings on that. One, we operated under the premise that only they could—had the authority to split precincts. Since that time, you know, I have had information from several sources that perhaps the state law prohibiting the violation of precinct lines also applies to the Police Jury.

But at the time that we were negotiating or considering all plans, it was my understanding that the Police Jury was the only body that had the authority to violate precinct lines, yes, ma'am, or to redraw. Did I—am I answering your question?

Q. Was it your understanding—are you saying that it was your understanding during the time leading up to the School Board adopting the Police Jury plan that it was not possible for the School Board to go to the Police Jury and request that the Police Jury reconfigure its precinct plan?

A. Well, I personally did not know that that was an option until after our plan had been denied by the Justice Department.

[44]

Q. But you know that that is an option today?

A. That?

Q. Do you know that the option of going to the Police Jury to request that they reconfigure their precinct lines—

A. Yes.

Q. —was an option at that time? You understand that today?

A. Yes, ma'am.

* * * *

[47]

* * * *

Q. In fact there was no discussion about the NAACP plan after Mr. Joiner said that it split precincts, isn't that true?

A. From my viewpoint, yes, ma'am.

Q. You also stated in your direct testimony that after the Justice Department denied preclearance to the School Board's redistricting plan, we were further told that we were not permitted to gerrymander for racial purposes, is that correct?

[48]

A. Restate, please?

Q. You stated in your direct testimony that after the Justice Department denied preclearance to the School Board's redistricting plan, and I quote from your direct testimony, we were further told that we were not permitted to gerrymander for racial purposes?

A. Well, if you are reading, then I assume that I said that. I believe that what I intended to convey is, again, violating of existing precinct lines by state law to gerrymander any district, whether it be for majority or minority purposes.

Q. Are you making a distinction between the precinct splitting problem and racial gerrymandering? Would you make a distinction between those two definitions?

A. Based on my knowledge I cannot make a distinction. Gerrymandering, my concept of the word is that it is an illegal use of precinct lines to configure a district that will favor either a majority or a minority situation. I have a hard time distinguishing between the two personally.

Q. Well, you stated earlier in your direct testimony that Mr. Joiner had told the board that there was a problem that the NAACP split its precincts, is that correct?

A. That is correct.

Q. And that you also stated that that was the reason why you—for you, the NAACP plan wasn't an alternative for the [49] School Board to adopt?

A. The night that it was presented, the president of the board at that time, David Harvey, asked Mr. Joiner to come in, and his response was that the plan was illegal because it violated numerous existing precinct lines that we had no authority to do. I might—may I?

James Bullers was the District Attorney who was acting as our counsel, also made the comment at that time that he agreed that should we adopt that plan that we would be sued.

* * * *

[59]

* * * *

Q. Mr. Musgrove, you identified the *Lemon* case as the district school desegregation case a few minutes ago. Isn't it true that you know virtually nothing about the school district's obligations in that on-going school desegregation case?

A. Yes. That is essentially true. I really had not heard about that case until we were called to Baton Rogue last year.

Q. You were called to Baton Rogue because my client sued the School Board to try to get it to adopt a legal redistricting plan?

A. Yes, ma'am.

Q. I would like to go back for a moment to this question of precinct splitting versus racial gerrymandering. Are you familiar with the old Bossier area of Bossier City in the parish?

A. In general, yes, ma'am.

Q. Isn't it true that in that area of Bossier City, if it weren't for the precinct issue, you think that a majority black district could probably be drawn without a [60] gerrymandering issue?

A. Restate, please?

Q. Isn't it true that in the old Bossier area of Bossier City, even if it weren't for the precinct issue, you think that a majority black district could be drawn without a gerrymandering issue?

A. If it weren't for the precinct issue?

Q. That is right?

A. Though I am not a demographer, I am aware that that area houses the most significant concentration of minority population, and as a lay person common sense would tell me that that would be as close a potential black majority district as could be constructed.

* * * *

Testimony of Plaintiff's witness Thomas D. Myrick—Cross Examination by the Defendants

* * * *

[73]

* * * *

Q. You also said in your direct that there were two schools actually physically located in your district?

A. Yes.

Q. And that—both of those schools are up in Plain Dealing, are they not?

A. Yes. Plain Dealing Elementary School, and then Plain Dealing Middle School and High School are in one location.

Q. And both of those schools are predominantly black, are they not?

A. Yes.

Q. And in fact both of those schools are over 75 percent black?

A. I couldn't answer that. I do know that they are predominantly black.

Q. Again, it has been stipulated in this case that Plain Dealing Elementary is 77.7 percent black, and Plain Dealing [74] Junior and Senior High is 76.9 percent black.

A. I would not disagree with that.

* * * *

[78]

* * * *

Q. But isn't it true, Mr. Myrick, that you actually participated in the Police Jury process?

A. No, absolutely not. I had nothing whatsoever to do with it.

Q. That, in fact, you met with Mr. Joiner, the Police Jury's demographer, in his office on five or more occasions during the Police Jury process?

A. I did not.

THE COURT: Where was his office?

MS. SARDESON: In Shreveport.

THE COURT: I asked—I didn't ask you.

MS. SARDESON: I am sorry.

THE COURT: Where was his office?

THE WITNESS: I do not know where his office is. I have never—

THE COURT: Have you ever been in Shreveport, Louisiana?

[79]

THE WITNESS: Yes, sir.

THE COURT: Have you ever been in his office?

THE WITNESS: No, sir.

THE COURT: Are you sure about that?

THE WITNESS: Absolutely.

* * * *

[86]

* * * *

Q. Mr. Myrick, you stated in your direct testimony

that it was likely you who proposed, shortly after the Department of Justice precleared the Police Jury plan, proposed to the School Board that they adopt the Police Jury plan?

A. Yes.

Q. Just go ahead and—

A. It probably was. I know that I favored it. I don't recall specifically making the motion, but that was my position.

Q. And the reason for your position, was it not, that you were afraid that the members of the School Board were going to become embroiled in a political controversy over the fact that incumbents were pitted against each other?

A. My position was that this plan had been approved by the [87] department—or had been not objected to by the Department of Justice. It seemed expedient to say that if this plan is acceptable, then why don't we accept it rather than become involved in discussions about minute changes in district lines.

It seemed a good way to say, we don't have anything else to worry about. This plan has been accepted, and we had no objection to it. And I will add, also, that a part of my thinking in the process was that it was more reasonable for the public to understand the district based on it being the same as the Police Jury.

In the past, prior to 1980 as I recall, the—both plans were the same, and the district designation was the same. Between 1980 and 1990 there was much confusion about which Police Jury district you lived in and what School Board, among the voters is what I am saying.

* * * *

[105]

* * * *

Q. Isn't it true that Mr. Price then brought his plan back before the board at the next School Board meeting on September 17th, 1992, do you recall that, the two presentations?

A. I think that that is correct.

Q. And isn't it also true that the School Board just dismissed the plan because of split precincts?

A. We chose to go with the Police Jury plan because it had [106] been approved by the Department of Justice.

Q. But it would be a fair statement, wouldn't it, in light of the comment that you just made, that you didn't even take—give the plan enough thought to find out where your own residence would be in that plan, that the School Board just summarily dismissed the NAACP plan when Mr. Price presented it?

A. I cannot speak for the whole board, but I did not summarily dismiss it.

Q. But the School Board didn't ask Mr. Joiner to conduct any further study on the plan after Mr. Price presented it, did they?

A. Mr. Joiner told us that the proposed NAACP plan split precincts. In fact he gave us a number, that I can't recall now, but it was a pretty high number.

THE COURT: Did anybody present to you during this period a plan whereby minorities would be in the majority of any election district without cutting precinct lines?

THE WITNESS: No, sir.

THE COURT: Nobody?

THE WITNESS: No, sir.

THE COURT: Including the NAACP or any other minority group?

THE WITNESS: No, sir.

THE COURT: Are you sure about that?

[107]

THE WITNESS: That is my understanding.

* * * *

[109]

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THE COURT: Was Mr. Price a part of the redistricting process of the School Board of which you are a member?

THE WITNESS: He contributed on a number of occasions and provided a proposed plan.

THE COURT: Did they cut across precinct lines?

THE WITNESS: Yes.

THE COURT: What was the reason that they were rejected?

THE WITNESS: That was one of the reasons, Your Honor.

THE COURT: What were the other reasons?

THE WITNESS: The other reason, in my opinion, was that the district was configured in a real odd way, beginning at the Arkansas state line, and extending on

down through the middle of the parish, and it created a School Board district that was not in accord with the previous practices.

Our—our procedure has always been for a School Board member to represent a certain area, and the districts that Mr. Price proposed flashed down through the middle of the parish and created a situation where a School Board member in Bossier City or the southern part of the parish would be representing people who attended a school and [110] resided in the northern part of the parish.

It would distance the voting public in a particular school attendance district from their School Board member, and that was my personal objection to it. And then we were informed that that plan could not be created with a black majority district without crossing precinct lines.

* * * *

[114]

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Q. And Mr. Price addressed the precinct split issue in the NAACP plan at that public hearing, did he not?

A. I have heard him address it, and I am not certain that it was at that particular time.

Q. In fact Mr. Price talked about the supremacy clause in his presentation, did he not?

A. I don't think that he used that term.

Q. Isn't it a fact, Mr. Myrick, that Mr. Price told the board that Mr. Joiner, the School Board's own demographer, had had conversations with the NAACP, and that Mr. Joiner had admitted that the use of the precinct law

—the state—the Louisiana precinct law, if it impeded the creation of a black majority district, that that would constitution—constitute a violation of the Voting Rights Act, a constitution of federal law?

A. I don't recall that. I recall Mr. Price's statement to the effect that federal law supersedes the state law.

* * * *

[127]

* * * *

Q. Mr. Myrick, I put back up what was marked as United States exhibit number 76-D, which is the proposed School Board plan, which is the current Police Jury plan?

A. Yes, it appears to be.

Q. Which district does Tommy Scarborough represent?

A. The blue one.

Q. That is the same as the one that you would be in if the court approves this plan for the School Board—

A. Yes.

Q. —is that correct?

A. Correct.

Q. And which district is Rick Avery in?

A. I couldn't tell you. I have no idea. I can—

Q. I am sorry, go ahead.

A. I think that I know—I couldn't answer that. I thought that I could tell you where he lived, but I don't —I am not certain of that.

Q. Mr. Myrick, would it help you to remember the conversations that Ms. Sardeson was asking you about with Mr. Joiner during the Police Jury process in which she asked if you were involved, if I were to suggest to you that Rick Avery and Tommy Scarborough were involved in some of those conversations as well?

A. With me?

[128]

Q. And with Mr. Joiner during the Police Jury redistricting process?

A. No.

Q. Would it help—

A. That is not true.

Q. Does it help you recall those conversations if I suggested that in paragraph eighty-five of the stipulations that your counsel has stipulated that on those occasions you were accompanied by at least two Police Jury members, Rick Avery and Tommy Scarborough, all of whom represent districts, portions of which could be used to create a black majority district north of Bossier City?

A. I never met with a member of the Police Jury. I never discussed the plan with them. I have never met with Mr. Joiner outside a School Board meeting to discuss this reapportionment plan.

* * * *

Testimony of Plaintiff's witness Gary D. Joiner—Cross Examination by the Defendants

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[135]

* * * *

Q. And you incorporate that input from your employers when you are drawing the plan, isn't that correct?

A. Yes.

Q. You don't inject your own personal preferences into the plan, do you?

A. No.

Q. So when you are drawing a redistricting plan, you follow the instructions of the government officials who employ you, [136] that is fairly stated, correct?

A. Yes. Unless—occasionally something happens when an elected official will ask me to do something that is just totally improper, and it happens rarely, but it does happen occasionally.

Q. And you advise them of all of the relevant state law requirements?

A. Yes.

Q. And you also advise them of all relevant options for redistricting under state law, isn't that correct?

A. Yes.

Q. Now, you had these meetings with small groups of individual incumbents during the Bossier Parish Police Jury redistricting process in 1991, correct?

A. Yes.

Q. And it has been stipulated to by the parties in this case that these meetings were not open to the public. Now let me ask you this question about these meetings. School Board member Thomas Myrick, one of the plaintiffs in this case, attended some of these meetings, did he not, during the Police Jury process?

A. Listening to testimony—if I could I would like to explain what I remember.

THE COURT: Answer the question.

THE WITNESS: I met with certain School Board [137] members, talked to them. Most of the Police Jury members came to my office, two or three at a time.

BY MR. MULROY:

Q. And Thomas Myrick—

A. I met with Mr. Myrick, and I thought that it was at my office. It may not be. I am not—I am not really sure about that, at my office.

Q. He met with you during the Police Jury redistricting process, correct?

A. I met Mr. Myrick.

Q. And discussed redistricting during the Police Jury redistricting process, isn't that correct?

A. But not in the School Board process, the Police Jury process for the Police Jury, and there is a difference.

THE COURT: There is?

THE WITNESS: Yes, sir.

THE COURT: Oh, might be.

BY MR. MULROY:

Q. So your testimony then, if I can understand it correctly—

A. Can I expand on that?

THE COURT: No. Answer questions.

BY MR. MULROY:

Q. Your testimony then is that School Board member Thomas Myrick met with you during the Police Jury redistricting [138] process to discuss the redistricting for Bossier Parish, is that fairly stated?

A. For the Police Jury, and he was certainly aware of it. Yes, I would say yes to that.

Q. Now, you did testify at deposition, did you not, that he met with you some five times in your office, did you not?

A. I don't recall. I certainly met with Mr. Myrick at various times, and other School Board members. I don't recall saying in my office. Maybe I did. I don't—of course I had almost twenty hours of deposition, too. I may have.

Q. Well, you did take a deposition in this case, is that correct, Mr. Joiner?

A. Yes, sir.

THE COURT: Just a minute, counsel. Witnesses don't take depositions. Witnesses submit to depositions.

MR. MULROY: I stand corrected.

THE COURT: Now let me show you how to do it. Bring it up here.

MR. MULROY: Bring the deposition transcript?

THE COURT: Yes.

MR. MULROY: Thank you, Your Honor.

THE COURT: Do you recall your deposition being taken on October 14, 1994?

THE WITNESS: Yes, sir.

[139]

THE COURT: In this case, by Mr. Gary Joiner?

THE WITNESS: Yes, sir.

THE COURT: And you were under oath at that time, were you not?

THE WITNESS: Yes, sir.

THE COURT: And that was in the case of Bossier—

MR. MULROY: Bossier, Your Honor.

THE COURT: Bossier Parish School Board versus Jane Reno and others in this case, right?

THE WITNESS: Yes, sir.

THE COURT: Now at any time following the redistricting process for the Police Jury, did you have any discussions with any other member—any member of the School Board?

THE WITNESS: Yes, sir.

THE COURT: With whom did you have such discussions?

THE WITNESS: When I went before the School Board, I certainly discussed that with every member of the School Board. I recall having conversations with both Mr. Myrick and with Mr. Musgrove, and with the staff of the School Board.

THE COURT: Is it your testimony today that Mr. Myrick did not come to your office?

THE WITNESS: No, sir, it is not.

[140]

THE COURT: What is your testimony? Did he come to your office or didn't he?

THE WITNESS: I believe that he did. I certainly do. I couldn't tell you the dates, Your Honor. I am not sure about that.

THE COURT: The question that you discussed with Mr. Myrick in your office was the district boundaries that had already been created for election of the School Board before there was a vote, isn't that right?

THE WITNESS: I don't recall that, Your Honor. For the School Board?

THE COURT: For the Police Jury?

THE WITNESS: For the Police Jury. That would have made sense, yes.

THE COURT: Do you recall how many meetings that you had with Mr. Myrick?

THE WITNESS: No, sir, not offhand, but I would assume that over the course of the project probably half a dozen.

THE COURT: Ten?

THE WITNESS: It could be. I really didn't keep records of who I spoke with on any—at any given time.

THE COURT: All right. Did you have occasion to call him and seek him out?

THE WITNESS: I do not recall calling him. I [141] typically work through staff.

THE COURT: Did he ever have occasion to call or contact you directly?

THE WITNESS: Yes, sir. I believe that he did on at least one occasion. Yes. I will answer that yes.

THE COURT: When he came to see you was he concerned about his own district alone?

THE WITNESS: I would say that I have never been in a meeting with an incumbent when they were not concerned about at least where their boundaries were. And I would say that that would extend to Mr. Myrick.

THE COURT: He was concerned about his own district?

THE WITNESS: I would say so, yes. Whether he said that verbally or not, I don't know.

THE COURT: And he came to see you what the jury—the Police Jury plan would look like in terms of its boundaries?

THE WITNESS: I would say so, yes.

THE COURT: And he left you with the impression that the Police Jury plan would ultimately be the School Board plan, right?

THE WITNESS: Yes, sir.

THE COURT: Did you have any occasion to discuss with Mr. Myrick, or Mr. Jerome Darby, the Police Jury plan?

[142]

THE WITNESS: Yes, sir. I certainly spoke to Mr. Jerome Darby about it on several occasions.

THE COURT: Did either of them ever have any—give you any indication that they wanted a black majority district?

THE WITNESS: No, sir.

THE COURT: As a matter of fact they indicated just to the contrary, didn't they?

THE WITNESS: Yes, sir. In the context —

THE COURT: You answered my question.

THE WITNESS: Okay.

THE COURT: On how many occasions did you talk with Mr. Darby?

THE WITNESS: Several. I don't remember how many, but several. Both in meetings, before and after meetings, at my office. And by telephone.

THE COURT: Now wait a minute, sir. Did you have any individual conversations with members of the Police Jury about the drawing of black majority districts?

THE WITNESS: Individual conversations?

THE COURT: No. Any conversations with individual members of the Police Jury about drawing black majority districts?

THE WITNESS: Not that I recall.

THE COURT: All right, counsel. You can have this [143] back.

MR. MULROY: Thank you, Judge.

BY MR. MULROY:

Q. If I may just quickly follow up on one point that you just made, Mr. Joiner, as Judge Richey was questioning you. Police Juror Jerome Darby during the Police Jury redistricting process is a black Police Juror, is that correct?

A. Yes, he is.

Q. Mr. Darby didn't affirmatively tell you that he opposed the creation of a black majority district during the process, did he?

A. Oh, no.

Q. In fact he did ask about the possibility of creating a black majority district, did he not?

A. It was more involved than that.

Q. But the answer would be yes, he did ask about the posibility of creating a black majority district, is that correct?

A. Yes. The answer to that would be yes.

* * * *

[149]

* * * *

THE COURT: I asked you, what was the highest percentage of African Americans in a proposed district that you generated on your computer when considering alternatives for elections to the School Board?

THE WITNESS: In a complete plan it was probably not over thirty percent, thirty or forty percent.

THE COURT: How about Police Jury?

THE WITNESS: The same. I doubt that it was that high.

THE COURT: Would it be higher in the School Board? They are the same, aren't they?

THE WITNESS: Yes, they are. It would be the same.

THE COURT: Okay. So you got up to thirty or forty percent?

THE WITNESS: Maybe.

THE COURT: Well, maybe. Do you know? You did it, didn't you?

THE WITNESS: Yes, sir, but it has been a long time, and those plans were destroyed in a computer catastrophe in my office.

THE COURT: Well, did you give them—what program did you use? Autocad, or Word Perfect, or Microsoft Word, or what?

[150]

THE WITNESS: No. I used Geodistrict from Geographic Data Technology, and GIS Plus from Caliber Corporation, and the problem was that I was backing it up, so my back up was blown away when my—

THE COURT: Your back up was what?

THE WITNESS: My back up sort of self destructed.

THE COURT: Was it on tape or diskette?

THE WITNESS: Yes, sir, it was on tape.

THE COURT: What about the hard drive?

THE WITNESS: It went down, too. We had a power failure at the worse possible moment.

* * * *

[151]

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MR. MULROY: And just for the purposes of clarification, Judge, the United States does not dispute that it is impossible to draw two black majority districts to actually—

THE COURT: Impossible did you say? You don't want to dispute the fact that it is impossible to draw two black [152] majority districts?

MR. MULROY: Without splitting at least a single

precinct. We do not dispute that in order to go from the forty-five percent range up over to the fifty percent range for the two districts that it might be necessary to split a single precinct. It is our contention that there are ways for School Boards in Louisiana, including this School Board, to handle that situation, and that—

THE COURT: Without—by means of splitting just—not more than one precinct, is that right?

MR. MULROY: No. Actually Judge it is our—

THE COURT: How many precincts are going to have to be, quote, split, unquote?

MR. MULROY: To get one black majority district in the City of Bossier, fourteen.

THE COURT: All right. How many to get two?

MR. MULROY: Twenty-seven.

THE COURT: All right. Do you agree with that?

THE WITNESS: Yes, sir.

THE COURT: Are you the source of that information?

THE WITNESS: No, sir. They had someone else do it, but I verified it.

THE COURT: And you verified it on your computer?

THE WITNESS: Yes, sir.

THE COURT: Even though it crashed you still [153] remember?

THE WITNESS: That is after that.

* * * *

[155]

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Q. Would you agree with the statement that any plan at all, whether black majority districts or not, which in any significant way deviated from the Police Jury plan, would inevitably split at least one precinct somewhere?

A. I haven't done a test to test all of them. I don't think—I don't think that you—I know that you could not have another plan that was as strong as this one without splitting precincts.

[156]

Q. How long would it have taken you to figure out whether any other alternative, which is significantly different from the Police Jury plan, in any way, black majority or otherwise, was possible without splitting precincts?

A. Several hours at least.

Q. Several hours?

A. At least.

Q. All right. Now, when the School Board—strike that.

When the School Board began its redistricting process, it didn't consider it a foregone conclusion from the git-go that it would adopt the Police Jury plan during its 1992 process, is that correct?

A. That is correct, they did not.

Q. In fact it actively considered the idea of going with another plan, correct?

A. Yes.

Q. Indeed when the School Board first hired you in May of 1991, didn't you estimate that your redistricting work would take 200 to 250 hours?

A. If they wished to pursue another course, yes.

Q. Doesn't it necessarily follow that from the start the School Board was at least considering the idea of adopting a plan which split at least some precincts?

A. No.

Q. Now, as one of the reasons that the School Board has [157] given in this case for adopting the Police Jury plan over alternatives which provide black majority districts, the School Board stated that it had no authority to change precincts, is that correct?

A. Would you repeat that, please?

Q. Sure. When the School Board gave a reason for not adopting—for adopting the Police Jury plan over alternatives which provided minority districts, one of the reasons that it gave was that it had no authority to change precincts, is that correct?

A. Yes. Under Louisiana statute seventeen seventy-one three E two B, I think.

Q. And for that reason it did not give consideration to the NAACP plan as a viable plan, is that correct?

A. That is correct.

Q. But it has been stipulated to in this case that it is quite common for parish School Boards in Louisiana to draw a redistricting plan different from the respective Police Jury redistricting plan.

In fact, isn't it true that you testified at deposition that out of the nine plans that you have worked—nine parishes in which you have worked in which the School Board and the Police Jury had the same number of districts, five had different plans?

A. Yes, that is correct.

* * * *

[165]

* * * *

Q. Let me ask you this question. It was your practice to fully inform your clients, including the School Board, about all options that they would have, including options regarding the changing of precinct lines, is that correct?

A. Yes.

Q. And that would include—strike that.

Louisiana law provided, did it not, that after January 1st, 1993, precinct consolidations, putting them together, could be made, reducing the number of precincts in the parish parish-wide, and quote, substantially, unquote, reducing election costs, is that a fair statement?

A. That is true. As a matter of fact, I am currently engaged in a project with the Police Jury to consolidate precincts.

Q. But they haven't finished consolidating precincts yet, have they?

A. No, they have not.

Q. And it has been what, four years since the Police Jury originally passed this plan?

A. There was a moratorium on precinct—on changing any precinct lines in the State of Louisiana for approximately two years. January 1st, 1994, they can change them, and it will go on until just before the next Census.

[166]

Q. Didn't you just testify that after January 1st, 1993, precinct consolidations could be made?

A. It could be 1993. There was a moratorium for about two years.

Q. So it has been two years, and the Police Jury still hasn't bothered to consolidate these precincts, is that right?

A. It is totally up to the Police Jury.

Q. If election costs were really a big concern on this precinct issue, it would be in the Police Jury's and the School Board's interest to reconsolidate precincts as fast as possible, right?

A. Part of the problem—yes. Part of the problem is this procedure.

Q. You answered my question, yes. Do you need to explain your answer, or is it yes?

A. I would like to. I would say yes, and I would also like to explain.

Q. So in order to answer the question whether or not it would be in the Police Jury's and School Board's interests to reconsolidate as soon as possible, yes is not sufficient, you would need to explain that?

A. I would like to.

Q. Please.

A. Certainly it is in their best interest, because it [167] reduces the cost of elections. The average costs of elections per precinct in the State of Louisiana is between $850 and $900. According to the Commissioner of Elections Office.

If the Police Jury in Bossier Parish goes ahead and consolidates precincts as they are now, and this case is still pending, then it would be a wash. It would be a useless waste of public money.

Q. Well, since you raised this figure of how much election costs are per precinct, let me ask you a question

about that. School Board elections in Bossier Parish are usually held in the fall of even numbered years, correct?

A. Okay. I will go along with that.

Q. And that is when congressional elections are held, correct?

A. Yes.

Q. You testified that election costs are about $800 per precinct for elections, is that correct?

A. That is what the State of Louisiana told me.

Q. But you did not communicate—strike that.

Isn't it true that that figure includes the costs that are borne by the State of Louisiana?

A. Yes. If the State of Louisiana participates in the election. Now it is possible that the School Board elections may be held at a different time.

[168]

Q. If the School Board elections—the School Board elections would normally be held at the same time as congressional elections, we just agreed to that, is that correct?

A. Yes.

Q. Now, isn't it true that under Louisiana law that at least half of the cost of such elections are borne by the State of Louisiana?

A. It depends entirely on the number of races being held. There is a formula, and I am not aware of the formula. I cannot recite the formula, but yes, you are right, they do get state assistance. There is currently a bill on the Louisiana state legislature that may prohibit a certain amount of that if it passes.

MR. MULROY: Judge, at this time I would like to ask the court to take judicial notice of certain Louisiana statutes regarding election expenses, and just what the formula is that Mr. Joiner is referring to. For the purposes of notifying counsel, opposing counsel, I am refer to Title 18, Sections 14.1(a)—1400.1(a), 1400.2(a), and 1400.3(a), and without belaboring the point further, I would simply like to ask permission to approach to give this statute to the Clerk.

THE COURT: Without objection you may do so.

MR. MULROY: Thank you, Judge.

[169]

MR. THORNTON: Do you have a copy for me? I didn't bring my entire statute.

THE COURT: You can get it up in the library.

MR. THORNTON: Louisiana statutes?

THE COURT: Sure.

MR. MULROY: I would be happy to do that, Mr. Thornton.

THE COURT: We have every state code in the country here.

BY MR. MULROY:

Q. You said before that you could have a single, just a single black majority district inside Bossier City by creating only fourteen new precincts, right?

A. Yes.

Q. And it would also be the case that in such a case the precincts would be all within Bossier City, primarily along the river, isn't that what you testified to?

A. I believe that that is correct.

Q. Isn't it also true that one polling place can be used for two different precincts in Louisiana?

A. Yes.

Q. And that in such a case Louisiana law allows the parish to reduce the number of polling place officials to as low as two commissioners per precinct?

A. It is up entirely to the Commissioner of Elections [170] Office.

Q. Isn't it actually up to the parish—

THE COURT: He is probably a friend of Governor Edwards.

THE WITNESS: Soon not to be Governor Edwards.

BY MR. MULROY:

Q. Isn't it actually up to the Parish Election Board?

A. They can—the Registrar of Voters and the Clerk of Court maintain most of that information. I am not either one of those, so I would rather not testify to that.

MR. MULROY: Judge, at this time I would like to ask the court to take judicial notice of some other Louisiana statutes that describe this issue and establish that in such a case—first of all, you can consolidate polling places across precincts, and that in such a case you can reduce the number of polling place officials to as low as two commissioners per precinct.

THE COURT: Very well.

MR. MULROY: The statute—

THE COURT: Without objection it will be received.

MR. MULROY: Thank you.

THE COURT: Next?

BY MR. MULROY:

Q. These measures that I am talking about would reduce election costs, would they not?

[171]

A. If they were implemented, yes. However, just because you combine two polling places in one precinct does not mean, arbitrarily, that you reduce total costs, because you are probably going to have a machine for each precinct. So you would have machine costs, too.

Q. Did the School Board direct you, prior to October 1st, 1992, to do a comprehensive study of these issues to see just how much election costs could be reduced?

A. No. Because it varies, and no, they did not.

Q. Now, isn't it further true that you can implement precinct splits by using additional voting machines, or by using lockouts on voting machines?

A. You can use lockouts, but it depends on the quality and age of the machine.

Q. Now as to the use of these additional voting machines or lockouts, these are measures which need only be taken when there is a School Board election under this scenario, correct?

A. In its simplest terms, yes.

Q. And assuming that School Board elections are held once every four years, there are going to be at most two more elections between now and the next redistricting, isn't that fairly stated?

A. Yes.

* * * *

Excerpts from Volume II of Trial Transcript in *Bossier Parish School Board* v. *Reno*, C.A. No. 94-1495 (D.D.C.), April 11, 1995

Testimony of Plaintiff's witness William T. Lewis—Cross Examination by the Defendants

* * * *

[8]

* * * *

Q. How many regular high schools are there in Bossier Parish?

A. Six.

Q. And one of them, Plain Dealing Senior High School is seventy-nine percent black according to that report?

A. Close.

Q. So by drawing six attendance areas and maintaining those in the school district, you come up with a school that is seventy-nine percent black?

A. Correct.

Q. And that high school is up here in Plain Dealing in Mr. Myrick's district?

A. Correct.

Q. How many regular elementary schools are there in Bossier Parish?

A. There are sixteen.

Q. And there are also attendance areas for elementary schools?

A. That is right.

Q. And four of those schools are predominantly black aren't they, Mr. Lewis?

A. Correct.

[9]

Q. And those are Bossier and Butler Elementary?

A. Right.

Q. And those are down in the City of Bossier?

A. Correct.

Q. Which is down in this area which is marked with the district seven and eight area on U. S. exhibit 76 D?

A. Correct.

Q. And Plain Dealing Elementary also is predominantly black?

A. Correct.

Q. And that is back up here in Plain Dealing in Mr. Myrick's district?

A. Right.

Q. And Plantation Park Elementary is also predominantly black, is it not?

A. I am not going to say offhand that it is, but it is close.

Q. All right. So by drawing sixteen attendance areas and maintaining those for elementary schools, you come up with three or four that are predominantly black?

A. Yes.

Q. And the reason for that is it not, Mr. Lewis, that when you—when you divide these areas, it is the com-

position of the neighborhood or community that dictates the racial composition of the school in your view?

[10]

A. We believe in the neighborhood school system.

Q. All right. Now the assignment of faculty and staff to schools is in your control, is it not, or that of the school district?

A. That is correct.

Q. It doesn't depend on where they live, or their neighborhoods?

A. No.

Q. And after that report that you signed and made to the court, your full-time teaching staff, including principals and assistant principals, was just under ten percent African American?

A. That is correct.

Q. And by the way, can I call these teachers as a form of short reference, which I believe is the practice that you follow in that report?

A. Correct.

Q. Let's talk for a moment about the assignment of teachers to those majority black schools that we identified a few minutes ago. Plain Dealing Middle and Senior High School at that time had sixteen white teachers and twelve black teachers, which made the teaching staff there over forty percent black?

A. Right.

Q. And that is more than four times the district-wide [11] average?

A. Correct.

Q. And Bossier Elementary had six white and five black teachers, which made that composition about sixteen percent black?

A. Close.

Q. And Butler Elementary had four white teachers and ten black teachers, which made that composition over seventy percent black?

A. Correct.

Q. And that is seven times the district average?

A. I agree with you. I mean I am not disagreeing with what you are saying. That is probably true.

Q. Well, you are welcome to reference the report if you have any doubt about my numbers, Mr. Lewis. You believe—this is not an accident is it, Mr. Lewis?

A. No.

Q. These are deliberate—these proportions are deliberately assigned by the Bossier Parish school district?

A. Between the school and the principal—between the district and the principals, yes.

Q. And isn't it true, Mr. Lewis, that at your deposition that one of the reasons that you gave for putting black teachers together in concentrations in schools over their representation generally on your staff is that—

[12]

MS. BRANNAN: And I quote, Mr. Thornton, from page seventy-eight of the deposition.

BY MS. BRANNAN:

Q. —that black teachers sometimes feel uncomfortable when there are not many other black teachers at a

school with them, and they feel more comfortable when there are others, isn't that correct?

A. That is not the primary reason. That is a reason, but that is not the primary reason.

Q. And you believe that the primary reason that you think that the black community wants role models in the form of black teachers—

A. That is correct.

Q. —in their schools?

A. They have expressed that to us many times.

Q. And so you deliberately respond to that request of the black community by disproportionately assigning black teachers to black schools?

A. That is correct.

Q. Mr. Lewis, isn't it true that an early order of the court in the *Lemon* case required the Bossier District to maintain a Biracial Committee?

A. Yes.

Q. And it was to be comprised of black and white community members?

[13]

A. Yes.

Q. And to recommend to the School Board ways to achieve and maintain unitary status and improve education?

A. I don't know that that was the original intent, but I am assuming that it was, to make sure that we did maintain the proper rules and regulations.

Q. That committee stopped meeting in 1976, didn't it?

A. Correct.

* * * *

[15]

* * * *

Q. Isn't it true, Mr. Lewis, that in this document that you [16] submitted to the court in the spring of 1994, under section 9-A there you reported, and I quote, the Bossier Parish School Board does have a Parish Biracial Committee available?

A. That is correct.

Q. And that wasn't true, was it?

A. Well, it just wasn't active. It doesn't mean that it was disbanded. It just wasn't active.

Q. Well, it hadn't met since 1976 except for the few short meetings that we just discussed in early 1993, isn't that true?

A. That is correct.

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Testimony of Plaintiff's witness William T. Lewis—Redirect Examination by the Plaintiff

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[21]

* * * *

Q. The court asked you, Mr. Lewis, about attendance zones. When you draw —

THE COURT: Now you are interjecting a new term of art.

MR. THORNTON: Attendance lines.

THE COURT: Whatever.

BY MR. THORNTON:

[22]

Q. When you draw attendance lines, do you also give those to the federal courts?

A. Yes, sir.

Q. All right, sir. That is a part of the obligation, and that is done?

A. Yes, sir.

Q. Have you had anybody complained about those lines?

A. No, sir.

Q. As a matter of fact, in the *Lemon* suit that you were asked about, Mr. Lewis, have you been sued, or had motions or petitions filed against the Bossier Parish School Board over the last ten, twelve or fifteen years?

A. No, sir.

Q. Now, you were asked about the black teachers, and you said that somebody had suggested that black

teachers ought to be assigned to black schools to serve as role models for the young students, is that correct?

A. That is correct.

Q. Who has asked you to do that?

A. Mr. Price and other groups of the black community. They felt like, and I feel the same way, that black kids need good black role models. And the people in Plain Dealing, for example, would go crazy if we took all of their black teachers out of that school and spread them out throughout the parish, because the school is majority black.

[23]

Q. So you were doing this because someone in the black community was saying that that is what the black community would like for you to do?

A. Yes, sir.

Q. All right. Now the court asked you a question about some of the schools that are very predominantly black. It didn't ask you the question that I would like to ask you. Is it not a fact that there are some private schools that opened up in some of those areas?

A. Yes, sir.

Q. And that the private schools are predominantly if not all white?

A. Yes, sir.

Q. Is there anything under the law that you can do about that?

A. No, sir.

Q. Now, you have tried to recruit black teachers, have you not?

A. Yes, sir.

Q. Would you tell the court, if it is true, that you have tried harder to recruit black teachers than white teachers?

A. That is correct, we have.

THE COURT: Why?

THE WITNESS: Why? Because we need black teachers in our school system. We need good black role models for our [24] black kids. They need someone to look up to.

I was personnel director for Bossier Parish for six years, from 1980 to 1984. When I would go to the colleges and universities throughout Louisiana, Texas, Mississippi and Arkansas, you would find 120 to 130 teachers graduating every year. A large number of those people being black. Today you go to them, you don't find many people in education any more. They are just not going into it.

The black—the young black people have greater opportunities in other places rather than teaching now, and our salary scale in Bossier Parish—we are actually a bedroom community for Shreveport. Most of the people work in Shreveport, and a lot of them live over there, but they have a tax basis quite a bit greater than ours. Therefore, they pay anywhere from three to $5,000 a year more than what we can.

We can't hang on to our good black teachers in our parish, because they will go over to where they can make the most money. You can't blame a kid coming out of college for wanting to go where the money is. Their start—the difference between our pay and what they make is more than what I made when I started for a year.

So there is quite a bit of difference in today's society. Money is the key to a young person as far as their goals are concerned. And so they are going to go to a school [25] system where they can make more money than they will teaching in Bossier Parish. Although we have got the best school system in the state, they are still going to go where the money is.

THE COURT: What was your pay?

THE WITNESS: When I started teaching?

THE COURT: No, as superintendent?

THE WITNESS: As superintendent, 65,000, and the man across the river makes over 100,000. So there is quite a bit of difference there. Of course they have got more students than we do. They have got about 55,000, we have got about twenty-two. So there is a difference. I wouldn't swap with him for anything. We have got a better school system than anybody else.

THE COURT: What are your SAT scores?

THE WITNESS: We don't give the SAT. We give the ACT scores, and it ranks nationally with the national results, close to the national results.

BY MR. THORNTON:

Q. Have you ever asked any of the members of the black community in Bossier Parish to help recruit black teachers?

A. Yes, sir, we have.

Q. Who? Who have you asked?

A. We have asked Mr. Price and other people. Mr. and Mrs. Harry have gone before. Mr. and Mrs. Martin. People in the [26] community.

People that used to work for the school system. One of the things, and I kind of resent this, because I have never had a lot of difficulty relating to people when I was in personnel, but they said that a white person could not recruit a black teacher to a school system.

Well, in order to try to help in that light, we have black administrators, or supervisors, or principals, or whatever, and community members, to go along with us to help recruit, and we still do not get the numbers that we would like.

Now, we get four or five black teachers every year, but we have four or five leaving every year to go next door to teach. As a matter of fact, after school started this year, the school system next to us took four of our black teachers from one of our black schools.

I can't do anything about that. It is their choice to leave. And for us to try to get someone to come in then and take their place, they are not there. So it gives us a very difficult problem. I mean it is a terrible situation for us to be in knowing what we want to do and not being able to do it. And we want good role models for our black kids.

* * * *

Testimony of Government's witness Jerome Darby—Cross Examination by the Plaintiff

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[38]

* * * *

Q. I have just a few questions to ask, if you please. You are a member of the Police Jury of Bossier Parish, are you not?

A. Yes, sir.

Q. You first ran for that office in what year?

A. 1983.

Q. And was that in a district under the old plan that was in existence from the 1980 to the 1990 census?

[39]

A. Yes, sir.

Q. All right, sir. And when you first ran in 1983, did you run from a district that had a majority white population?

A. Yes, sir.

Q. Do you remember the composition, racially, of that district?

A. The composition was about thirty, thirty-seven percent black

Q. All right. A little—all right, thirty-seven percent. And in 1983 when you ran for that post, how many opponents did you have, and what were their racial designations?

A. Excuse me?

Q. Who did you run against?

A. The incumbent who was black, and also a white opponent.

Q. The black opponent was Johnny Gipson, was it not?

A. Yes, sir.

Q. That is G-i-p-s-o-n, isn't it?

A. Yes, sir.

Q. And he had been elected before you to the Police Jury?

A. Yes, sir.

Q. So in that district you took on the incumbent and another white—and a white candidate?

A. Yes, sir.

Q. All right, sir. Did you win that race?

A. Yes, sir.

[40]

Q. Now, was race an issue in that political campaign?

A. Was it an issue?

Q. Yes. Did you make it an issue?

A. No, sir.

Q. Do you know of anybody else who made it an issue?

A. Yes, sir.

Q. Who?

A. My white opponent.

Q. All right, sir. But you won anyway?

A. Yes, sir.

Q. All right. Now you ran again in 1987, did you not?

A. Yes, sir.

Q. Who were your—the same district? From the same district?

A. Yes, sir.

Q. Was the composition—the racial composition roughly the same again, about thirty-seven percent black?

A. Yes, it was.

Q. And against who did you run?

A. The same two opponents.

Q. Mr. Gipson?

A. And Mr. McDaniels.

Q. And McDaniels, all right. And who won that race?

A. I did.

Q. Okay, sir. Now the Police Jury then reapportioned, and [41] you ran under their present plan, which is also the same redistricting proposal of the School Board, is that correct?

A. Yes, sir, that is correct.

Q. You ran in 1991?

A. Yes, sir.

Q. All right, sir. Who were your opponents?

A. I was unopposed.

Q. You filed and no one ran against you?

A. Yes, sir.

Q. So you swept into office without opposition?

A. Yes, sir.

Q. Now then, sir, do you—how many seats do you believe that African Americans or blacks ought to have on the Police Jury or on the School Board?

A. At least two to three.

Q. Why, sir?

A. One is because of the fact that by me being—serving the Police Jury for three terms, I have never been able to get white support, regardless. No matter how qualified I am, my white colleagues never support me, under no circumstances. I felt that if we had at least two to three minorities on the Police Jury that it would definitely be a lot different.

Q. Do you believe that you are entitled to two or three because of the proportion of African Americans to the entire population?

[42]

A. Yes, sir.

Q. All right. Has somebody told you that the Voting Rights Act provides that you should be elected to office as a race in proportion to your numbers to the population?

A. Yes, sir.

* * * *

[44]

* * * *

Q. Mr. Darby, I am showing you an exhibit. It is number 5, I think. It is on the blue there, Mr. Darby. What exhibit do I call it? Exhibit number—exhibit number 5. Now, that exhibit purports to be the minutes, an extract of the minutes of a Police Jury meeting in January of 1994. Would you read it, sir, or have you read it?

A. The top?

[45]

Q. Just read it to yourself right quickly. Did you attend that Police Jury meeting?

A. Yes, sir.

Q. The Police Jury meeting was, in part, a meeting about whether it wanted to redraw its plan, and there is some controversy about what it is saying, but do you recall that meeting?

A. Yes, sir.

Q. All right. And in that meeting, the Police Jury of Bossier Parish decided what?

A. That it stood by its original reapportionment plan.

Q. Okay. And it even quotes you as stating that you are concerned that if the Police Board and Police—the School Board and the Police Jury have different district lines, it would be confusing to the citizens of Bossier Parish?

A. Yes, sir.

Q. Did you make that statement?

A. Yes, sir.

Q. All right. However, Mr. Darby indicates that he supports the Police Jury's original plan, is that correct, sir?

A. Yes, sir.

Q. Did you say that?

A. Yes, sir, I did.

Q. So the minutes are accurate?

[46]

A. That is accurate.

Q. And that was as late as January 11th, 1994, was it not?

A. Yes, sir.

Q. Do you still stand by those statements?

A. That I support the Police Jury plan as of now?

Q. Yes?

A. No, sir. May I explain?

Q. By all means, sir.

A. Okay.

Q. The Judge would probably like it.

A. In January 11th of 1994, at that time I wasn't aware of the information as far as you could draw minority districts. And what I was saying, and what I have always said, that I wanted to see both, since both bodies have twelve members representing the same people, that we have the same district lines.

And that is what I was saying in that meeting. At the time—at that time I hadn't seen where you could do minority districts. So what I was saying is the fact that you could—that I supported what we had in place because of the fact that I was concerned about what it would do as far as jeopardizing that one seat that we did have.

Q. And you didn't know in January of 1994 that the NAACP plan had been drawn to provide two minority —protected minority districts? You didn't know about any such plan?

[47]

A. I didn't keep up with it, sir.

Q. All right, sir. Now, you have contended that blacks are discriminated against in the school system in your narrative statement?

A. Yes, sir.

Q. That is a pretty broad statement, sir. Do you have any instances or any names to supply the court?

A. I have several instances if you would like me to share some of them.

Q. Well, if the court wants it in a moment. Let me ask you this. Did you report those to the school system?

A. Yes. Not to the administration. Usually it was always directly to that school.

Q. All right. Whom did you report these to?

A. Most of the time it would be like the school principal.

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[48]

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Q. If I told you that any child, black, white, any child, that was accused of an infraction that might result in expulsion or suspension, that any such child had the right to a hearing in which he or she could bring anyone they wanted there in his or her behalf? Do you know that to be true?

A. Yes, sir.

Q. All right. Do you know who generally presided over those hearings?

A. Who generally presided over those hearings?

Q. Um-hum?

A. Probably it would be the school attendance officer.

Q. Well, do you know a Mrs. Betty McCauley?

A. Yes.

Q. Did you know that she presided over those for some [49] years?

A. She hasn't always presided over them.

Q. No, she hasn't.

A. At the time that you asked me about the principal?

Q. Yes?

A. That was Mrs. Owens.

Q. Oh, okay.

A. And at the time it was Ms. McCauley, she was also the coordinator at the very school we are talking about.

Q. All right. Ms. McCauley is black, is she not?

A. She is.

Q. And at some point along the way a man named Joshua Bryant —

THE COURT: How do you spell that?

MR. THORNTON: B-r-y-a-n-t, J-o-s-h-u-a, I think.

THE COURT: All right.

BY MR. THORNTON:

Q. Mr. Bryant?

A. Yes, sir.

Q. And he presided over many of these hearings, did he not?

A. I couldn't answer that, Mr. Thornton, because I haven't gone to that degree. The degree that I have been involved with has been strictly for me, as a Police Jury, to represent parents in my district. It wasn't to that level. It was always directly with the school.

[50]

Q. Did you know Mr. Bryant?

A. Yes, I do.

Q. What race is he?

A. He is black.

Q. All right. Now then if I told you that neither Ms. McCauley nor Mr. Bryant, in looking over these—in presiding over these hearings, could expel or suspend, that only the superintendent could, did you know that to be true?

A. No, sir, I didn't.

Q. And as the superintendent has testified in his narrative statement, when he makes a decision to accept or reject the recommendation for expulsion or suspension, that he doesn't even know the race of the student, are you prepared to deny that?

A. No, sir. If you tell me that that is true, I will accept that, sir.

Q. All right. Now, having learned all of this, can you think, or would you like to tell the court or us, for that matter, how you believe that we could make the suspension or the discipline system any fairer? What should we do that we are not doing?

A. What should you do that you are not doing?

Q. Yes, sir?

A. One of the things, I think, is the fact that even though you have those people in place, they haven't always been in [51] place. Ms. McCauley was one time the principal of a school. When I have gone for parents it has always been to resolve it before it did get to that, and so the level that I have always dealt with principals on was the level of the kids having problems in the classroom, as well as whether the teacher didn't quite understand what was going on with that child. It has always been on that level. It has never been to the level that you have described at this moment.

Q. Okay. Would you fault our hearing system as being unfair?

A. Being unfair?

Q. Yes? Would you say that it is unfair?

A. Just because you have two black people that are involved?

Q. No, sir. Just because we have full and open hearings, and just because we don't make race an issue?

A. Yes, sir.

Q. Is that fair enough?

A. I guess it is.

Q. Then can you think of any reason why more—proportionately more black children are disciplined than white?

A. Can I think of any reason?

Q. Yes? If the hearing system is fair, what would be the reason?

[52]

A. Well, there are so many other variables that you have to take into consideration. Each case is different.

There is information that sometimes might not always get—they might not get all of the information correctly.

A lot of things goes on that—before it even get to that. So before I make a statement like that, I would have to be able to look at all of the facts, and look at how it takes place, and all of the proper information to get to that hearing.

* * * *

Q. Now, you state that you have tried to forget about race and politics, and that you concentrate on issues?

A. Yes, sir.

Q. You even state that you consider yourself to represent all of the constituents of your district, regardless of race, correct?

A. Yes, sir.

Q. And you have made that a theme in your campaigns, have you not?

A. Yes, sir.

Q. Do you think that that is proper to put race behind and talk about issues and represent the entirety of a [53] constituency?

A. Do I feel that that is proper?

Q. Yes?

A. Yes, sir.

Q. Could it be, sir, in your opinion that that may be the reason why you got so many white votes which enabled you to win in that district?

A. To win in my district?

Q. Exactly? Could that be the reason, because you didn't make race an issue?

A. Well, for me as a black person, race has always been an issue, all thirty-seven of my years, regardless. I don't make the issue, but it is an issue, something that I live with.

Q. But you got a lot of white votes, didn't you?

A. Well, when I go back and look at the statistics, it was based on that black base, which is the black community is the one that really helped me to be successful. I did get some white votes, but I wouldn't say a lot of white votes.

Q. Well, Mr. Gipson ran. Didn't he get some black votes?

A. He sure did.

Q. Okay. But in the overall, in the end, you got a lot of white votes which took you over fifty percent, didn't you?

A. Yes, sir.

Q. And you won?

[54]

A. Yes, sir.

Q. And you didn't make race an issue, did you?

A. No, sir.

Q. And I am asking you now sir, maybe when you didn't make race an issue, maybe that is the reason that you got some of those white votes, hum?

A. Yes, sir, but I have never made it an issue.

Q. All right, sir. And I congratulate you.

THE COURT: How many African Americans, sir, reside and are eligible to vote in your district?

THE WITNESS: At the time in 1983, it was about 500.

THE COURT: Wait a minute. 19?

THE WITNESS: 83.

THE COURT: 83?

THE WITNESS: Yes, sir.

THE COURT: Out of 500 voters?

THE WITNESS: Registered black voters.

THE COURT: And how many white?

THE WITNESS: I can't say, Judge, but it was more than 500. It has been a pretty good while, but it was a large number.

THE COURT: When was the last time that you were elected?

THE WITNESS: In 1987. Well, the last time I was [55] elected, 1990.

THE COURT: And what was the percentage of blacks and whites at that time, registered voters?

THE WITNESS: At that time I believe it was twenty-six percent.

THE COURT: That doesn't answer my question. How many black voters were there then, 1990, and how many white voters, sir?

THE WITNESS: I don't recall. I can't tell you.

THE COURT: Well, which was the majority?

THE WITNESS: White was.

THE COURT: How much of a majority?

THE WITNESS: About sixty percent.

THE COURT: Sixty/forty?

THE WITNESS: Yes, sir.

THE COURT: And what was your margin of victory?

THE WITNESS: For my last election?

THE COURT: In 1991?

THE WITNESS: Well, that was the election that I was unopposed, so I didn't have anyone running.

THE COURT: What was your margin of victory, even though you were unopposed?

THE WITNESS: A hundred percent, I guess.

THE COURT: All right.

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Testimony of Government's witness Jerome Darby—Redirect Examination by the Government

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[56]

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Q. Mr. Darby, there is a military base in your district, is that correct?—

A. Yes, sir.

Q. Does that have any effect on your ability to be elected in a white majority district?

A. Yes, sir. In fact it has a big difference. That is what makes, I think, my election a lot more different than the whole area as far as Bossier Parish, because we do have a large military area in the Barksdale Air Force Base which they count that in my district, which makes it look like I have a large number.

But mostly military voters, they don't vote, because they live not necessarily—they are not registered to vote there, and they live up—not live other place, but basically as far as where they are registered it is not there. I have received some military votes as well.

Q. Well, of those military voters in your district who do vote in the local election, is there any reason to think that they might be more or less likely to support you as a black candidate?

[57]

A. One of the things from my own experience is that they are more open minded than most people that do live in Bossier. I think that a lot of it has to do with the exposure and being more open minded.

Q. When you refer to exposure, do you mean the environment in which military people live in, on base or in off base housing, as opposed to the rest of the parish?

A. Well, that and also coming from different backgrounds of the country where people are a lot more open minded.

Q. So most of this military population is not from Bossier Parish?

A. No.

Q. They would not be from Bossier Parish?

A. No. Basically, they are from all over the whole country.

Q. In terms of whether or not they live in an integrated environment compared to the other white residents of Bossier Parish, do you have any knowledge about that?

A. Yes. In fact basically they work real closely with different people from different ethnic backgrounds. Also you have a lot of blended families in military, so it is something that is not real unusual for them.

Q. And when you say blended families, what do you mean by that?

A. Meaning families that are not necessarily both white and [58] white or black and black.

Q. Do you think that you could—based on your experience in Bossier Parish politics, do you think that you could get elected in a white majority district against a white opponent in some other part of Bossier Parish where there wasn't military population?

A. No, by no means. And that holds true because of the fact that even when I have gone and campaigned for

other people, usually people in that parish vote along racial lines, meaning that blacks vote for blacks, and whites vote for whites.

Q. Let me turn to another topic. Mr. Joiner showed you—

THE COURT: Where was Congressman—former Congressman Espe from? Bossier Parish?

THE WITNESS: Espe, from Mississippi.

THE COURT: Oh, that is right, another state. Mr. Thornton condemn me for confusing Louisiana with Mississippi.

THE WITNESS: Yes, sir.

BY MR. MULROY:

Q. Let me move to another topic. Mr. Thornton showed you some minutes of a January 11th, 1994 meeting. Let me ask you a question or two about that. At the time of that meeting, did you understand that there was an NAACP plan which—consistent with the one person one vote requirements and contiguity requirements created two black majority [59] districts? Did you understand that at the time of the January 11th, 1994 meeting?

A. No, sir.

Q. There is also a statement in those minutes that Mr. Thornton asked you about that said that you favored having the Police Jury plan and the School Board plan be the same to avoid voter confusion. The Police Jury plan and the School Board plan for the 1980s were different, correct?

A. Yes, sir.

Q. So for the past ten years or more they have been different, correct?

A. Correct.

Q. In fact, since the proposed plan has not yet been implemented because it is the subject to this preclearance suit, the current plan to this day still has different plans for the School Board and the Police Jury, is that correct?

A. Yes.

Q. If you had to choose, Mr. Darby, between having a situation where the Police Jury plan and the School Board plan were the same, and there were no black districts whatsoever, or another situation where you had a Police Jury plan and a School Board plan be different, but at least the School Board plan would give you two black districts, if you had to choose between those two, which one would you choose, Mr. Darby?

[60]

A. The School Board plan that would give you black districts.

Q. Mr. Thornton—

THE COURT: In order to arrive at that answer, Mr. Darby—

THE WITNESS: Sir?

THE COURT: Excuse me, I apologize to you. In order to give that answer or arrive at that answer, how would you square that with the alleged impediment of Louisiana state law? Do you know what I mean by that?

THE WITNESS: No, sir, if you could explain.

THE COURT: Well, counsel have informed me that in any redistricting plan Louisiana law does not permit changing precinct lines. Have you heard that?

THE WITNESS: I have heard them talk about that

throughout this trial. Basically, when we was redoing our—when we was doing our reapportionment, that wasn't a factor. Basically what we basically concentrated on was just the districts, drawing the district lines.

THE COURT: And that cut across precinct lines?

THE WITNESS: District lines?

THE COURT: The new district lines that you were drawing cut across precinct lines?

THE WITNESS: Yes, sir.

THE COURT: And they have argued here that [61] Louisiana state law prohibits that.

THE WITNESS: Yes, sir.

THE COURT: Okay. All right.

MR. MULROY: Thank you, Judge. One final point.

BY MR. MULROY:

Q. Mr. Thornton was asking you some questions about discipline in the schools in Bossier Parish and whether there was any racial discrimination in meting out discipline to students. Your experience you testified on cross examination with the discipline of students was at the lower level, believe you got to the formal hearing process, is that correct?

A. Yes, sir.

Q. And it is possible for discipline to occur at that level, correct?

A. It definitely is.

Q. And in your experience that discipline at that lower level which you know about occurred disproportionately to black students?

A. Yes, it did.

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Testimony of Government's witness Jerome Darby—Recross Examination by the Plaintiff

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[62]

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Q. So it wasn't a question of cutting and splitting precincts, it was creating new precinct lines in order to reflect the shift of population from the 1980s to the 1990s?

MR. MULROY: Your Honor, I would like to object to the way that counsel is characterizing that statement, as though there was necessarily some difference between creating a precinct and cutting and splitting precincts.

THE COURT: I think that the court has got enough intelligence to understand that. Overruled.

MR. MULROY: Thank you, Judge.

BY MR. THORNTON:

Q. You created new precincts under the one man one vote [63] rule, didn't you?

A. Yes, sir.

Q. And that is your obligation as a Police Jury, is it not?

A. Yes, sir.

Q. Because you are the governing body of the parish?

A. Yes, sir, that is correct.

Q. So you create new precinct lines to reflect the shift in population, and then from that you drew your district lines, twelve of them, is that correct?

A. Yes, sir.

Q. All right. Mr. Darby, do you have any reason to believe, or do you have any statistics, or is there any data available to indicate to you that the white votes that you got in your district were Barksdale people—

THE COURT: Were what?

BY MR. THORNTON:

Q. Were Barksdale Air Force people any more than they were just any other white citizens in that district?

A. Do I have any data?

Q. Yes?

A. Well, if you look at the two precincts that are in my district, basically one of the precincts is predominantly black. It has some white voters there as well. The other precinct is predominantly white. Of course, that means that when military people vote, they vote at that predominantly [64] white precinct. So based on what you just said, no.

Q. So you don't have any data on that?

A. No.

Q. Actually, Barksdale Air Force Base has been there in Bossier Parish for seventy, eighty, or ninety years, has it not?

A. Yes, sir.

Q. It is an old Air Force Base?

A. Yes, sir.

Q. And Bossier Parish is pretty well populated by people from the military who retired at Barksdale Air Force Base and simply stayed in the Bossier community, isn't that correct?

A. Yes, sir, that is correct.

Q. So Barksdale people, whites and blacks, are scattered throughout the parish, are they not?

A. Yes, sir, that is correct.

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Testimony of Government's witness Jerome Darby—Further Redirect Examination by the Government

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[64]

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Q. Mr. Thornton just asked you about whether the Barksdale [65] population might be scattered throughout the parish. Based on your experience as a native of Bossier Parish, and your experience in Bossier Parish politics, would you say that there is a higher concentration of what Mr. Thornton called, Barksdale people, in your district as opposed to the rest of the parish?

A. Yes. Because it is closer to the military base, and usually for the area, as far as the commuity, Government Park, and the area along there, that is where most military people, if they are not living on base, they move in those areas.

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Testimony of Defendant-Intervenors' witness Jerry Hawkins—Cross Examination by the Plaintiff

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[67]

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Q. Mr. Hawkins, how many seats do you believe on the School Board African Americans ought to have?

A. At least two, sir.

Q. Why? Why two?

A. Because of the districts.

THE COURT: Because of what?

THE WITNESS: Because of the number of districts that we have.

BY MR. THORNTON:

Q. Do you think that you ought to have two members because that is your proportion to the population?

A. Yes.

Q. All right. Do you believe that that is what the Voting Rights Act stands for?

A. Yes.

Q. Has anyone ever told you any differently?

A. No.

* * * *

[68]

* * * *

Q. You made the statements that blacks are treated unequally in the school system. Do you believe that?

A. Yes.

[69]

Q. All right. Are you familiar that—with the law suit entitled *Lemon versus Bossier Parish?*

A. Yes, partially.

Q. Do you understand it to be the litigation vehicle that presides over the Bossier Parish school system with regard to integration?

A. Yes.

Q. All right, sir. If you believe that blacks are treated unequally in the school system, have you ever filed, or seen filed, or caused to be filed any documents in the *Lemon* case in say the last fifteen years that would assert that?

A. No, sir. But in 1988, I believe it was 1988, the Concerned Citizens raising money for that, and we hired an attorney out of Monroe to go against that litigation, I believe.

And the lawyer did not file the suit. And we was out of money, so we couldn't file another suit, so we went another different direction by contacting J. Bennett Johnson. Sent him a letter, and also sent a letter to Congressman Buddy Roemer at that time. We done everything we could to try to stop this litigation.

Q. I see. But you did not file—nothing was filed in *Lemon*?

A. No, no, sir.

Q. That would have been the place to file it, wouldn't it?

[70]

A. I suppose.

* * * *

Testimony of Defendant-Intervenors' witness George Price—Cross Examination by the Plaintiff

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[77]

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Q. Tell me, sir, how many seats on the School Board should black citizens hold?

[78]

A. I believe that the population of Bossier Parish is such that it is sufficient enough to elect at least two blacks to the Bossier Parish School Board.

Q. Do you believe that this is true because of the proportion of the black population to the entire population?

A. When we look at the number of the seats on the Bossier Parish School Board, taking into consideration the total population of the parish, I feel that to be the case.

Q. All right. Now, I want to show you something, Mr. Price, and ask you some questions about it. Do you have your narrative statement in front of you?

A. I do.

MR. THORNTON: I am not sure that I have his latest one right here. May I approach the witness and coordinate?

THE COURT: Of course.

THE WITNESS: What page was that?

MR. THORNTON: Well, let's see, it was on page twelve, and it appears to be twenty-three, paragraph twenty-three.

THE WITNESS: That is not it. Do you have a current—is that my testimony that you have?

MR. THORNTON: Yes.

THE WITNESS: It is April 7th. You need to get the updated copy.

MR. THORNTON: While he is trying to get that I [79] will go on and save some time.

BY MR. THORNTON:

Q. Mr. Price, when you asked to have some participation, or wanted some participation in drawing the redistricting or reapportionment plan for the School Board, you wrote some letters, did you not?

A. That is correct.

Q. And I think that those letters are exhibits here?

A. Right.

Q. All right, sir. And I think that you have a complaint that they were not answered, or that you were not allowed in on the reapportionment planning, is that correct?

A. No, sir. That is partially correct. Initially, I wrote a letter to the superintendent in March of 1992 requesting information concerning the upcoming reapportionment process, and that we would want to be made aware of the status of the reapportionment process.

As I communicated with the Bossier Parish School Board, I always did that in a written form, and I always asked that they would respond in a written form, because in the past I had been made aware of people not remembering communications by telephone or by hearsay. So I have always communicated in a written form, and I have always asked them to respond in a written form. That was not done.

Q. What kind of participation did you have in mind?

[80]

A. I wanted to be involved to present what I considered the minority views on the current makeup of the School Board which consisted of twelve white members, and the fact that we felt as though we needed a voice on that particular School Board.

Q. All right. Did you want to have a vote in the reapportionment?

A. No, sir. As I indicated in my correspondence to the School Board, we always respected the authority of the School Board, and we always asked that we work through the School Board.

Q. Did you want to have a right to sit in the executive sessions with them when they talked about this problem?

A. No, sir. All of my communications was through School Board members. I never considered myself capable or able or authorized to sit in any kind of executive sessions with the Bossier Parish School Board.

Q. So the participation that you had in mind then was the participation or the right to tell the School Board the views that you had and wanted to see them adopt, is that right?

A. Again, partially correct. Counselor, I wanted to tell them the concerns and the desires that existed in the minority community. I wanted to tell them how the minority community felt about the issues of the Bossier Parish School Board.

[81]

Q. All right, sir. Now in any public School Board meeting, as I recall you can sign a book outside which indicates that you want to speak to the board, is that correct?

A. That is correct.

Q. Now, sir, during this period of time during this redistricting, did you ever appear before the School Board?

A. I appeared before the School Board on numerous occasions, and again, I want to emphasize that we initially requested this in March of 1992, and that the reason why we requested this was to have a written response from the School Board so that when these meetings were held our presence and our presentations would be a matter of record.

Q. Well, did you get to make those presentations?

A. We always had an opportunity to go before the School Board, and—

Q. Well—

A. I am sorry, go ahead.

Q. No, I interrupted you, Mr. Price, I am sorry.

A. Okay. Yes, we went before the School Board, and when we finished they would say, thank you, and they would go to the next agenda item.

Q. All right, sir. Did anybody ever deny you the right to address the School Board and present your concerns?

A. I have never been told that I couldn't speak.

Q. Let me ask you this. From time to time you have given [82] complaints about the school system to Superintendent Lewis, have you not?

A. Again, I have spoken with the superintendent on numerous occasions.

Q. And sometimes you gave him a written list of complaints, have you not?

A. Every presentation that I have made before the School Board, I provided the School Board with copies.

Q. I am asking you about Superintendent Lewis?

A. If I met with Superintendent Lewis, I gave him copies.

Q. One of your concerns has been that they didn't hire enough black teachers, isn't that correct?

A. That is correct.

Q. All right. Mr. Lewis tells me that he invited you to go along with them on one occasion when they were trying to recruit black teachers. Did you go?

A. When did he ask me?

Q. That is not true then?

A. I said, when did he actually—

Q. I am asking you. He told me that he had. I am asking you if that is not so?

A. Well, may I explain when he asked me?

Q. Oh, sure.

A. He asked me after several presentations before the School Board, several written pieces of communication before [83] the School Board, and he asked me to go with the School Board on a day in which—I am fully employed, and I couldn't go. Yes, he asked me to go with them.

Q. All right. Now, Is it true that you requested of Superintendent Lewis that more black teachers be assigned to predominantly black schools to provide role models for the young students?

A. f you will excuse me for a second. I am looking for exactly what I requested, because it was in writing. I

requested that—in item D of a presentation that I made to the School Board, the development of a reassignment and a transfer program to insure parity or equalization of minority teachers at all schools. That is what I asked for.

Q. You didn't talk in terms of assigning black teachers to black schools as role models?

A. No, sir. I have always advocated black teachers to be in these places for children to communicate with and be there. I don't hold the perception that blacks are the only persons that should have role models. I believe that role models are important to all people.

Q. Thank you, Mr. Price, but really what I am asking is, did you in any way indicate to Superintendent Lewis that you would like to see more black teachers assigned to predominantly black schools as role models. That is all that I am asking you.

[84]

MR. BORKOWSKI: I would object that the question has been asked and answered.

THE COURT: Once more.

THE WITNESS: All right. What I Superintendent Lewis in a conversation that we had—we have several schools in Bossier Parish with no black teachers. I asked that those teachers could be reassigned so we could at least have black teachers at every school. That is what I asked as eluded to in my statement here.

THE COURT: All right. Anything else?

MR. THORNTON: Yes, sir.

THE COURT: All right.

MR. THORNTON: Not on that though. I am finished with that line of questioning.

THE COURT: All right. What else do you want to know?

BY MR. THORNTON:

Q. Well, I want to direct you to your narrative statement on paragraphs twenty-five and twenty-six. Do you have it before you?

A. I sure do.

Q. All right. Let me read twenty-five, and you follow me and tell me if I read it incorrectly. Twenty-five: It is a widely held perception in the African American community of Bossier Parish that it is pointless for any African American [85] who will stand up for the interest of the black community to run for office.

MR. THORNTON: That is paragraph twenty-five Your Honor, I am sorry.

THE COURT: I have got it.

BY MR. THORNTON:

Q. The perception is based on the knowledge of the population breakdown of the election districts, all of which are majority white, and knowledge of the dynamics between blacks and whites in the parish, specifically the wide-spread belief that most whites will not vote for a black candidate. In addition, there is a majority vote requirement in Louisiana elections.

Number twenty-six: Only three African Americans have been elected to significant political offices in Bossier Parish from majority white electoral districts. Johnny Gipson was elected to the Police Jury in 1975. He had a reputation for speaking out about issues of concern to the African American community.

He served one term, being defeated in 1983 by

Jerome Darby, another African American who has been reelected twice since 1983. In addition, Jeff Darby, his brother, was formerly a member of the City Council of Bossier City, but was defeated by a white candidate in the last election.

Neither of the Darby brothers is a member of the NAACP [86] or the Concerned Citizens Association, nor has either brother attended meetings or associated with either organization—with either organization in any way.

It is a widely held perception in the African American community of Bossier Parish that the only way that an African American can have a chance to get elected from a majority white district in the parish is by keeping a low profile with regard to racial issues, and not belonging to or being associated with organizations such as the NAACP or the Concerned Citizens.

Let me ask you some questions about those statements.

A. And I would like to just make the statement that I stand by every word of that.

Q. Good, good. Now, Mr. Price, do you think that race ought to be an issue in an election?

A. Sir, I don't think that race ought to be an issue, but you and I both know it is.

Q. You are speaking for the black community, Mr. Price. Please don't speak for me.

A. Well, I can only assume that you are aware of how things are in America.

Q. Mr. Price, is it your idea that a black who is elected to office ought to represent only the blacks in his constituency?

A. No, sir.

[87]

Q. Do you condemn the Darby brothers—

A. No, sir.

Q. —for not making race an issue?

A. No, sir.

Q. And yet I would treat your account of this as being very critical of them for not being—or standing up, as you put it, for black citizens?

A. I haven't seen any in my statement—

THE COURT: Objection sustained.

THE WITNESS: I haven't seen anything in my statement that mentions race.

THE COURT: He objected. I sustained the objection. He stood up and objected.

MR. THORNTON: I didn't hear anything.

BY MR. THORNTON:

Q. The only way that an African American can have any chance to get elected from a majority white district is by keeping a low profile with regard to racial issues. What did you mean by keeping a low profile, of not making race an issue?

A. I believe that it is identified in that statement as I said, by speaking out on racial issues, or being members of the organizations that are identified in the statement.

Q. Mr. Price, you stand by this statement you said, every word of it?

[88]

A. Yes, sir.

Q. All right, sir. Mr. Price, when you have made any sort of complaints about the school system, had Mr. Lewis always accepted what you gave him?

A. Mr. Lewis has always accepted what we gave him, but not yet responded to what we gave him.

Q. Well, did he explain to you the problem as he explained to the court of trying to hire more black teachers? Is that the first time that you ever heard his explanation?

A. No, sir, it is not. But we went before the School Board and presented a list of concerns from the black community. We asked that they respond to those concerns. After several weeks of no response, we went back again and asked what happened to those concerns?

They asked us to provide a list of solutions to our own concerns, or to give them some ideas of how these things could be done. We did that after much research. We did that. We submitted what we considered partial solutions to our concerns, and that did include a recommendation on how to recruit more black teachers. Yes, sir, we did that.

Q. All right, sir. Let me ask you what was your solution? You have Superintendent Lewis in the back, and I know that he is retiring, but tell him, tell the court what you want him to do that he hasn't done?

A. Again, counsel, I want to make clear of what I am [89] saying. I am saying that as we went before Bossier Parish School Board, we always submitted suggestions and concerns. We never submitted goals. In my statement we identify what could be done—what, in our opinion, could be done to recruit more black teachers. Let me see if I can find it quickly.

On page eleven of my testimony. The main areas of concern about school operations are as follows. Develop an early recruitment for black teachers, diligence in recruiting, hiring, retaining, and promoting African American teachers.

Those were our concerns. Let me see if I can find our solutions—our recommendations rather. I am not able to find it, but I believe that it is a matter of record. If I could have—

Q. Let me just ask you this—

A. Just a minute. I have them here. I have them here.

THE COURT: What page?

THE WITNESS: Suggested solutions in my testimony, sir.

THE COURT: Page and paragraph what?

THE WITNESS: I don't see a number on there.

MR. BORKOWSKI: Your Honor, that is at twelve A.

THE COURT: Thank you.

THE WITNESS: I said the Coalition of Bossier [90] Parish, Concerned Citizens of Bossier Parish, Men's Club, Concerned Citizens of Plain Dealing and Bossier Parish branch and NAACP suggested solution to our concerns to Mr.—

MR. THORNTON: Wait a minute. I am still looking for that. That is exhibit what?

THE COURT: They are not labeled as exhibits in the attachments to the statements furnished the court.

MR. THORNTON: Can you show it to me?

MR. BORKOWSKI: Yes, sir, absolutely.

THE WITNESS: Counselor, this suggested solutions to our concerns was addressed to then President Barry Musgrove, and this information or response is provided to you as a follow up to our presentation on July the 15th.

The Executive Committee of Bossier Parish Branch of the NAACP, and other organizational leaders, met on July the 20th, 1993, to discuss the best method of previous recommendations to you that we feel will improve certain areas of our school system.

We hope that the recommendations contained herein will assist you, Superintendent Lewis, and other School Board members in formulating solutions to our concerns. And then we went on to name our recommended solutions.

And in item two the issue of teacher recruitment concerns us greatly. We feel strongly that additional efforts can result in the placement of additional minority [91] teachers into the Bossier Parish school system. The following steps may help. Expand the area of recruitment to include—

BY MR. THORNTON:

Q. Mr. Price, let me interrupt you. We have it—the court and I have it before us.

A. Well, I wanted to make sure that you understood it.

Q. I think that the court has, too. Let me ask you some questions about them, unless the court wants you to read them all into the record.

THE COURT: No. They are already in the record as a part of his testimony—direct testimony. Sir, you don't have to read them again, because the court has them before it, unless you want to read it.

THE WITNESS: Well, sir, I wanted to point out a couple of things.

THE COURT: All right. Why don't you do that, because this is an important matter for you and for all of us.

THE WITNESS: Yes, sir. And item G of this—on these recommendations, we ask the insurance that the School Board show compliance with the 1970 consent decree which requires a seventy-five/twenty-five high end ratio until requirements are met.

Currently, we are not in compliance with that [92] requirement by the courts, and that simply meant that for every hundred teachers hired for Bossier Parish, twenty-five should be black, and seventy-five should be white, until the School Board was in compliance with the consent decree, and that is why we were very concerned about that issue as we present it in this particular document.

BY MR. THORNTON:

Q. Now, Mr. Price, let me ask you about this. You heard Mr. Lewis this morning, did you not, answer the court's questions about how he goes about trying to recruit black teachers?

A. Yes, sir. He said that he goes to Grambling and Louisiana Tech.

Q. Well, I think that he talked about LSU as well, did he not?

A. But as you notice in our recommendations, we included some of the southern black—predominantly black colleges in the State of Louisiana such as Southern in Baton Rouge, Xavier, and Dillard in New Orleans,

and we expound on that, and we made some recommendations on how that could be done.

Q. You think that he is not going to enough schools, is that it?

A. Yes, sir. This document, I think, speaks for itself.

Q. He also talked about the difficulty of hiring because of salary gaps with neighboring parishes. Do you think that [93] that is a concern?

A. Well, we have talked about that even before the School Board. Now, my concern is the dilemma there. If whites have—

THE COURT: Wait a minute, your concern is what, sir?

THE WITNESS: I have a dilemma with his explanation of why he can't hire blacks. Your Honor, there is no problem to hire white teachers in Bossier Parish, and I asked the question at the School Board meeting, are you all paying them different? Do white teachers make more than blacks? He said no.

I said, well, why don't you have a problem if salary is a problem hiring black—I mean white teachers. You always have white teachers. He said, well, I don't know. But the question still remains, if the salary in Bossier Parish is low, why is there no problem recruiting white teachers, only black teachers?

And what I have been told by black teachers is that the reason why they don't come to Bossier Parish, they cannot get promoted. They are not treated fairly in the system, and they have to leave, because they come in and see white teachers come in that they know received certification after them, and they rise to higher positions in the system, and the blacks that have been there do

not get those [94] opportunities, and they seek them elsewhere. That is one of the things that we have expressed as a concern.

BY MR. THORNTON:

Q. Well, Mr. Price, if that is true, then shouldn't motions and petitions have been filed in the *Lemon* case to protest that?

THE COURT: Mr. Thornton, how can—this is a lay person. He may be a leader in the community, and nobody doubts that—and nobody doubts that, I don't think. At least the court doesn't doubt it.

THE WITNESS: Thank you, Your Honor.

THE COURT: But he is not supposed to pursue everything in the world through the courts or whatever, is he?

MR. THORNTON: I think he is.

THE COURT: Well, maybe you do.

MR. THORNTON: They certainly have attorneys to do that.

THE COURT: I don't know whether they do or whether they don't. The issue in this case is whether the Attorney General of the United States properly denied preclearance of the districting plan for the election of School Board in 1993 for the Bossier Parish.

That is the issue. It doesn't have anything to do with whether he has filed a motion to supplement the record, [95] or to intervene, or to get some further relief in a school desegregation case. That doesn't have anything to do with that, does it?

MR. THORNTON: Your Honor—

THE COURT: Does it? Does it?

MR. THORNTON: Well, with all due respect to the court, yes, it does.

THE COURT: All right. Thank you very much. If it does, I will take your word. You can say that it does, and you can give me a memorandum showing me why. All right, next question.

MR. THORNTON: All right, sir.

BY MR. THORNTON:

Q. Do you think, Mr. Price, that the disciplinary system falls more heavily on black students than on white students in Bossier Parish?

A. Without question it does.

Q. Have you ever attended one of those hearings?

A. I have had numerous members of the NAACP request that I go, and I have been asked not to come on some occasions by some of the School Board people, that they could handle and resolve that issue. I have not attended a School Board hearing with any parent.

Q. Is it your testimony that you have been told that you have been discouraged from attending any of those hearings, [96] and if so, by whom?

A. By School Board officials.

Q. By whom?

A. By Joshua Bryant. By the personnel man in Bossier Parish, oh, what is his name?

Q. What reasons did they give you?

THE COURT: Well wait a minute. Let him think. Don't jump on him.

THE WITNESS: That they would resolve the issue.

That they would resolve the issue. And might I say in my opinion, and I am speaking from my opinion now, that these issues are things that they would rather not have public concerning the treatment of the students in the system, so they would refrain from any opportunity of making allegations of mistreatment of students, especially black students, a public issue. And they will tend to resolve that.

BY MR. THORNTON:

Q. And the people who told you this, were they black or white?

A. They are black.

Q. All right. You heard Mr. Lewis outline the procedure for disciplinary action in the Bossier Parish School Board. Do you think that that is a fair system?

A. It may have the mechanisms in place to be a fair system, but again, my opinion is that it is not a fair system.

[97]

Q. How would you make it more fair?

A. Well, I would certainly have people that have legitimate concerns and complaints heard, and I would certainly look into—and let me just emphasize on what I am talking about here, too.

We went before the School Board and asked for statistics on expulsions, on disciplinary actions, on kids being put in the GASP program, on the low scores of black students, and they have told us that they don't keep those statistics according to race.

But yet we know that there is some differences between the number of black expulsions and retentions that they have in the system than there are as they

apply to the white students. They told us that they do not keep those according to race.

Q. You are telling this court and me, under oath, that there are different standards for disciplining white from blacks in the Bossier Parish school district, is that what you are saying?

A. I am telling you my opinion, and my opinion is, yes, it is.

THE COURT: And that African American people, or students rather, excuse me, are treated more severely?

THE WITNESS: Yes, sir.

THE COURT: Than white people?

[98]

THE WITNESS: Yes, sir.

THE COURT: All right.

THE WITNESS: For the same offenses.

THE COURT: Correct. I understand your position and testimony.

MR. THORNTON: I have just a question or two, Your Honor.

BY MR. THORNTON:

Q. During the redistricting process, Mr. Price, do you know of any group representing any—or claiming to represent any group of people, black, or white, or so forth, who had any more participation in the plan and the reapportionment process than the Concerned Citizens or the NAACP?

A. Counselor, when you say participation, let me tell you what my definition of participation is. Participation to me is not coming to the board and presenting an

optional plan and leaving. Participation is trying to find out what they can do as board members that were duly elected to represent us to address these concerns.

Nobody never came to us and sat down with us and said, what can we do as your elected board members to do something about your concerns? They let us make presentations, and as I said a few moments ago, after we made the presentation they said, thank you, and they went on to the next agenda item. Now, I don't know what you mean by participation. I don't [99] consider that participation. I consider that coming and making a presentation.

Q. All right. Now, do you know of any other groups, any groups whatsoever, in which any School Board member went to see and asked about the redistricting plan?

A. I know that there was some people there from the Concerned Parents of Plain Dealing. I know that there was some people there from the Tenant Coalition, and I know that there was some people there from the Bossier Parish Voter League, all of whom the presidents of those particular bodies elected me as their spokesperson, and was in agreement with the letters and the documents that I presented. I don't know what else—how else I can answer you on that.

Q. Well, I guess the only question, Mr. Price, was in the participation. Do you know of any group that participated any more actively than your presentation, or who sat in on the meetings that adopted the reapportionment plans? If you do, tell us who they are?

THE COURT: What year are you talking about? 1991?

MR. THORNTON: 1992, 1993, and even into 1994.

THE COURT: Wait a minute. I am the Judge here. I have got to decide this case. Now, you are talking about a 1991 plan, or was there one in 1992, or just action on a 1991 plan in 1993? Now what are you talking about?

MR. THORNTON: I am talking about the deliberations [100] of the School Board in 1992.

THE COURT: All right. That is different than 1991 and 1993. What did they do in 1992?

MR. THORNTON: And on into 1993.

THE COURT: What did they do? Did they adopt a plan during that period?

MR. THORNTON: They adopted a plan during that period.

THE COURT: The School Board?

MR. THORNTON: The School Board.

THE COURT: For election of its members?

MR. THORNTON: On the time schedule—I think it was in September of 1992.

THE COURT: All right.

THE WITNESS: October, October.

MR. THORNTON: October of 1992.

THE COURT: Thank you, sir. You are helpful.

THE WITNESS: Thank you.

MR. THORNTON: Do you want me to restate my question now?

THE WITNESS: Yes.

THE COURT: Well, we have got to keep it in focus, Mr. Thornton.

THE WITNESS: Yes.

BY MR. THORNTON:

[101]

Q. Do you know of any group, any group of citizens, any private group, not the School Board members but any private group who sat in on the deliberations with the School Board when it was discussing the adoption of a reapportionment plan?

A. Let me reemphasize to you what happened. Again, the major black organizations in Bossier Parish elected me as their spokesperson.

THE COURT: You have said that.

THE WITNESS: All right. We came to these meetings and made presentations. We did not sit in on deliberations or decision making as the plan was adopted. We made presentations.

When the plan was voted on, the night that the plan was voted on, we had a map on display, as well as the Bossier Parish School Board had a map on display. After our presentation at the public hearing, they moved on to adopt their plan.

Now, I don't know what you mean by participation. You keep using that word, but I have a difference—a different idea of what participation is and what presentations are.

MR. THORNTON: May it please the court, I know that I am taxing the patience and time of the court, but I am not getting answers to my questions.

[102]

THE COURT: Overruled. You may not be getting the answers that you want, but you are getting answers. So that is it.

MR. THORNTON: Well, in that case, Your Honor—

THE COURT: What else can you do about it? Nothing.

MR. THORNTON: I can give up I guess on this witness.

THE COURT: I believe that you could. It is your option.

* * * *

Testimony of Defendant-Intervenors' witness George Price—Redirect Examination by the Defendant-Intervenors

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[102]

* * * *

Q. Mr. Price, after you sent this letter to the School Board asking to participate in the redistricting process, you weren't given any information, were you, about any work session that the School Board had with Mr. Joiner to look at options or work on a plan, were you?

A. No, sir. No response at all.

* * * *

Testimony of Defendant-Intervenors' witness David Arnold Creed—Cross Examination by the Plaintiff

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[115]

* * * *

Q. You say that it has been a common practice in Louisiana to cut and split precincts?

A. Yes, sir. To my knowledge, and I am confident that that is true.

Q. Oh, I think it is. And there is a state law that you are aware of, are you not—

A. Yes, sir.

Q. —that prevents that?

[116]

A. Act 925, that is right.

Q. But the Police Jury sometimes accommodate other subdivisions by splitting precincts?

A. Yes, sir. And all of the cases that I know about they have accommodated.

Q. Do you know of any law, or have you been told of any court decision or any law that says that a Police Jury can violate or set aside the state law for these purposes?

A. Well, I —

MR. BORKOWSKI: He is assuming facts that are not in evidence.

THE COURT: Overruled. I will let him answer.

THE WITNESS: Am I aware of any laws at all?

MR. THORNTON: Yes.

THE WITNESS: That would allow —

BY MR. THORNTON:

Q. My question, Mr. Creed, is when you are doing these, you don't know—or do you basically know whether what you are doing is legal in Louisiana or not?

A. I believe that it is legal, yes, sir.

Q. All right. On what basis do you believe it?

A. Because I have found nothing in the law that it violates any laws anywhere, and because I have done—counting the one that I am working on now, I have done —that makes fifteen, and they have all been precleared, and accepted, and [117] elections have been held, and people now hold their positions, and I guess that I am assuming that it is legal.

Q. You are assume that it is legal?

A. Yes, sir.

Q. All right. Now then, you state some opinions about gerrymandering?

A. Yes, sir.

Q. And your opinion is that this—well, not this plan, but the plan that was—the plan that the Bossier Parish School Board presented and is before this court, you are saying that that is a gerrymandered plan?

A. No, sir.

Q. Well, are you saying that Mr. Cooper's plan is gerrymandered?

A. No, sir.

Q. So you see no gerrymandering at all?

A. Everyone seems to have a different definition of gerrymandering here.

Q. What is yours?

A. My definition—it is in my written testimony, but generally that you would take a geographical area and draw an area in order to create a district for an elected body that would take all kinds of twists and turns and be what I said was tortuous and convoluted in order to arrive at whatever goal it might be that you are trying to arrive at in drawing [118] the districts. That is gerrymandering to me.

Q. Would gerrymandering be the opposite of sound demographic principles?

A. It would not be consistent with sound demographic principles.

Q. All right. If you have sound demographic principles and use them, you would not have a gerrymandered district, would you, is that fair enough?

A. That is fair.

Q. And you don't find that there is gerrymandering in any of these plans?

THE COURT: Which plans? Any of—there are so many that we are talking about here, I want to know which ones you are asking about?

BY MR. THORNTON:

Q. The School Board, and have you seen the Cooper two plan?

A. I understand that there is a NAACP plan. I have not seen that plan.

Q. All right. You have seen the Cooper plan?

A. I have seen one called the Cooper plan.

Q. And you have seen the one that we call the Police Jury plan that is before this court?

A. Yes, sir.

Q. And you find no gerrymandering in either of those?

A. I find it to be about the same as most of the plans that [119] I have seen developed and approved.

Q. All right, sir. I had one other question and it slipped my mind. Just a moment. Oh, the question was, sir, in all of the precinct splitting of plans that you helped to get to preclearance, what is the largest number of precincts that you have ever split?

A. Eight.

Q. No more than eight?

A. No, sir.

MR. THORNTON: No further questions, Your Honor.

THE COURT: When did you draw—no further questions?

MR. THORNTON: From me.

THE COURT: Do you have any?

MR. BORKOWSKI: No, Your Honor.

THE COURT: Are you finished?

MS. HUME: Yes, Your Honor.

THE COURT: All right, Mr. Creed, let me ask you a question.

THE WITNESS: Yes, sir.

THE COURT: You say that you have in the course of over the last fifteen years I gather—

THE WITNESS: Yes, sir.

THE COURT: —have drawn a large number or a substantial number of boundaries, geographical boundaries for [120] the election of various entities or political—

THE WITNESS: Yes, sir.

THE COURT: — groups?

THE WITNESS: Right.

THE COURT: Throughout the State of Louisiana?

THE WITNESS: Throughout northeast Louisiana is where—I am located in Monroe Louisiana, and Louisiana has eight planning and development districts which cover the state, and the one that I am the director of covers the northeastern part of the state. And like I said, I am in Monroe. The ones that I have done have been in that part of the state.

THE COURT: Is that the same part that we are talking about here?

THE WITNESS: No, sir. That is the northwestern part.

THE COURT: All right. Mr. Thornton told me that yesterday. Were you here yesterday?

THE WITNESS: Yes, sir.

THE COURT: Did you hear the testimony that there is a Louisiana state law that says that you can't modify or cut across precinct lines?

THE WITNESS: Yes, sir.

THE COURT: Under Louisiana state law in order to accomplish and establish a redistricting plan?

[121]

THE WITNESS: Yes, sir. I have a copy of the law.

THE COURT: How many times have you had to do that in the course of your work, cut across or split up a precinct, an existing precinct line?

THE WITNESS: In order for School Boards, I have done it three times.

THE COURT: All right.

THE WITNESS: But for municipalities I would have to count them up. I would say about five ot six times.

THE COURT: And the same Act 925 applies to municipalities as it does to School Boards, doesn't it?

THE WITNESS: I don't think it does.

THE COURT: Or does it?

THE WITNESS: I don't think that it does.

THE COURT: All right. What about Police Juries?

THE WITNESS: No, sir. I think that it only applies to School Boards, and in large Police Juries, it is a technical question or interpretation as to are they splitting or creating precincts, because once they do the splitting in—

THE COURT: Who is they?

THE WITNESS: The Police Juries. Once a Police Jury in its own reapportionment effort splits precincts and then by legal description, and by mapping, and by ordinance creates this new plan, then they have created new precincts. [122] So they have split, but they create at the same time. I hope that I am making myself clear.

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Testimony of Government's witness Jerome Blunt—Cross Examination by the Plaintiff

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[106]

* * * *

Q. When you were on the School Board, Mr. Blunt, did you have much contact with Mr. Price or any of the other leaders of the black community?

A. I don't quite understand your question. When you say contact, do you mean at regular board meetings?

Q. No, sir. I mean outside of board meetings. Were you close to those groups?

A. No. I would say no, I wasn't close.

Q. Did they ever talk to you at all about their concerns in the school system?

A. At the board meetings, yes.

Q. How about outside of the board meetings?

A. No, they didn't.

Q. They didn't ask you, for example, to go to the superintendent and talk about hiring black teachers?

A. No.

Q. They didn't come to you as a black School Board member and ask you to look into the disciplinary mechanism in the school system?

A. No.

Q. They didn't come to you and ask you about assigning black teachers to black schools as role models?

A. No.

[107]

Q. Why do you think that they didn't do that, Mr. Blunt?

A. My personal opinion on that, Mr. Thornton, is that Mr. Price and the coalition have been fighting this fight for a long time. They had information that—they are long-time Bossier residents, so they knew the ins and outs of the school system, and they knew, in fact, what the minority community wanted and needed.

Q. But you were sort of an insider at that point, sort of on the School Board?

A. That is right.

Q. I would have thought that they might want you to lead or to pinpoint their concerns within the school administration. They didn't ask you to do that?

A. No. I would like to explain that answer. The African community in Bossier Parish is concerned about various things in the school system, but also we have our own things that we are concerned about now.

My role as a School Board member was to represent District K, the district that I was concerned. Now, I was also, concerned about all of the members of the parish also, too. As a School Board member then, my concern is the entire parish and my district.

Q. Did you consider, then, that you really represented the whole constituency, and you were interested in the betterment of that district and the School Board system, is that [108] correct?

A. Absolutely.

Q. You didn't think that you just represented blacks, you thought that you represented everybody, is that correct?

A. That is correct, but I would like to expand on that answer.

Q. All right, sir, by all means?

A. Okay. I represented the whole school system. I think that that is foremost. But when there is a population that seems excluded, that does not seem that they are a part of the system, then my role also as a board member is to look into those concerns and to talk with those people about those things.

Q. And did you?

A. I was aware of those things at the board meeting. When I was on the board, a lot of those things were already in place. As Mr. Price had talked to earlier, he had asked to be on the process early in 1992. My appointment started in September of 1992.

* * * *

[109]

* * * *

Q. When you ran for reelection, did Mr. Barry Musgrove give you any assistance in running?

A. I asked Barry Musgrove, and he gave me some information, but when I asked for support from my fellow colleagues as an incumbent, all of them were basically afraid to come out and say that I am supporting Jerome Blunt, because they were worried about the persecution if they—of their constituents maybe, and the persecution of the person who maybe would replace me.

Q. In other words, they didn't take a real active part, but they did—Mr. Musgrove gave you some advice, did he not? I mean—

A. Yes.

[110]

Q. I mean seemed friendly to your campaign?

A. Yes.

Testimony of Defendant-Intervenors' witness Thelma Harry—Cross Examination by the Plaintiff

* * * *

[132]

* * * *

Q. Ms. Harry, how many seats do you believe that the black [133] community should have on the Bossier Parish School Board?

A. I would like to see them have three.

Q. All right. And why do you think that they should have three?

A. Because there are twelve now, and if you have three, we could depend on at least two to get some of our concerns through.

THE COURT: Two out of twelve would be able to do it?

THE WITNESS: Well, I want a back-up system.

BY MR. THORNTON:

Q. Do you think that the seats should have any relationship to the black proportion of the population?

A. I do.

Q. Have you been told that by anyone?

A. No. That is my own function.

* * * *

Testimony of Government's witness Johnny Gipson—Cross Examination by the Plaintiff

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[138]

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Q. Wait a minute, let me finish my question for the record. On the School Board, how many seats do you think that the black community ought to have? Now go ahead.

A. At least two, based on the population given, about two.

[139]

Q. Based on what, sir?

A. On the population, two.

Q. The percentage of blacks of the population?

A. Yes.

* * * *

Testimony of Government's witness Jeffrey Dewayne Darby—Cross Examination by the Plaintiff

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[145]

* * * *

Q. Mr. Darby, how many seats do you think that the black community deserves to have under the Voting Rights Act on the Bossier Parish School Board?

A. Sir, unrealistically I wish that we had six. But realistically, two.

Q. And why two?

A. To represent the population of Bossier Parish, the minority population.

Q. Because that is their proportion to the entire population?

A. (Nodding head.)

Q. You have to speak out, sir?

A. Yes, sir.

Q. Mr. Darby, remind me, I couldn't find it right quickly. When did you run for the City Council?

A. 1989.

Q. And you won that seat, did you not?

A. Yes, sir.

Q. Was that from a predominantly white district?

A. Yes, sir, it was.

Q. What was the racial composition of that district?

[146]

A. Approximately twenty-two percent minority, and the rest majority.

Q. Seventy-eight or something like that?

A. Um-hum.

Q. And how many votes did you win by?

A. Approximately thirty votes.

Q. Did you make race an issue?

A. No, sir.

Q. Did you make—as an issue did you make the concerns, or what we would call the real issues of the election a part of your campaign?

A. I am not understanding your question.

Q. Well, I am not saying it very well, either. The issues of the campaign, were they—other than racial, I mean what the community ought to do, what the Police Jury ought to do about the problems, that sort of issue, is that what you ran on?

A. Yes, sir, pretty much.

Q. Okay. And in the meantime, after you had been elected, but before you ran again, the City Council changed their districts, did they not?

A. Yes, sir.

Q. That was after the Police Jury had changed its districts?

A. Yes, sir.

[147]

Q. And you were not, I think, happy with the district which—or which was drawn around your residence?

A. This is correct.

Q. But you ran and you lost, did you not?

A. Yes sir.

Q. Lost to what, Mr. Swayer?

A. Right.

Q. Who was white?

A. Yes, sir.

Q. And how many votes did you lose by?

A. Between fifty and fifty-eight.

* * * *

Testimony of Government's witness Dr. Richard L. Engstrom—Cross Examination by the Plaintiff

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[151]

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Q. You have told us in your declaration what methodology you used to come to the conclusions that you came to, and the conclusions appear to be, sir, that in your opinion people in Bossier Parish vote by race, is that correct?

A. I believe that the conclusion is that in the election that I have studied, there is evidence that voters divide along racial lines.

Q. Okay. I stand corrected. Is that a fair statement, what you are telling us?

A. In the elections in which I was—I believe I was able to determine candidates of choice, that tends to be the case, yes.

Q. Okay. I want to ask you some questions about this study that you made of Bossier Parish. How many times have you been to Bossier Parish?

A. Oh, I don't know the total number, but it wouldn't be very many.

THE COURT: What do you mean by that?

THE WITNESS: Maybe two or three times, not connected to the study.

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THE COURT: What did you do there?

THE WITNESS: Went to a famous barbecue restaurant I remember the last time.

THE COURT: In Shreveport?

THE WITNESS: In Bossier City. I was in Shreveport and specifically went to Bossier City for barbecue. I did not go to Bossier Parish for the purpose of the study, and I am from New Orleans, so I am not up there too often.

BY MR. THORNTON:

Q. Of any of the political contests that form a part of your study, I want to ask you some questions about them. Did you ever talk to any of the candidates?

A. For the purpose of the study?

Q. Yes?

A. No.

Q. Did you ever make a study of what the issues of the political—

THE COURT: Wait a minute, you didn't get an answer to the first question. Did you ever talk to the candidates?

MR. THORNTON: I think he said no.

THE COURT: Oh, I didn't hear.

THE WITNESS: Not for the purpose of the study. I have met some since and I have talked with them, but not prior to preparing this, nor for the purpose of preparing this study.

[153]

THE COURT: All right. I am sorry. I didn't hear you.

BY MR. THORNTON:

Q. Do you know what the issues, campaign issues

were, in any of those elections that you have talked about?

A. No, I do not.

Q. Did you make any study of what kind of campaign organization each of the candidates might have put together?

A. No, I did not.

Q. Did you have any idea of how much money they might have had in their political coffers to get across their programs?

A. No, I did not.

Q. Do you happen to know whether any of them had debates at a public forum and a face-to-face confrontation with the public?

A. No, I do not.

Q. Did you happen to know anything about the backgrounds of any of those candidates in terms of political experience or education?

A. Not for the purpose of assessing racial divisions and voter candidate preferences, no.

Q. All right. Ought those factors that I have asked you about, and other factors, don't they sometimes have some sort of impact on the outcome of political campaigns?

A. There are all sorts of things that can have an impact on [154] the outcome of political campaigns. I was addressing a specific research question, did African American voters and non-African American voters in these elections, in which they were given a choice, between or among African American and white candidates, have different candidate preferences, and to

answer that question, I don't need to do all of these other things that you are asking me about.

Q. All right, sir. Tell me this, then. Have you ever examined any parish in Louisiana, or any county anywhere in the United States, in which racial preference doesn't have some impact on the outcome of the election?

A. I can't recall doing—I mean doing an analysis of one in which there wasn't some impact, in which voters didn't divide along racial lines, certainly, to some extent.

Q. You have a doctor of philosophy in the field of political science, do you not?

A. That is correct.

Q. And so within your area of opinion, do you have any benchmark in which you can compare Bossier Parish with any other parish or county as to whether racial preference affects the outcome of political campaigns?

A. Well, I haven't been asked to make that comparison, so I haven't come up with a benchmark, and I haven't even thought about what the benchmark might be if I needed one.

Q. Well, if other parishes and other counties allowed [155] racial preference to have impact on election results, and you tell me that Bossier also has, how have we advanced human knowledge by that fact?

A. Well, I don't know if we have advanced human knowledge through my study. It may be very well that the people in the audience find that I have documented the obvious in this analysis, that African American voters in Bossier Parish vote for African American candidates usually when given that choice, and white voters

do not. I mean I don't know that I have advance knowledge, but those are the results of my studies.

Q. But you don't know any other area that doesn't have a certain amount of that, do you?

A. Well, I don't know what you mean by a certain amount of that, and I haven't studied all areas. Usually when I do these types of analyses, it is in the areas in which there are voting rights issues. So it is not uncommon to find this. In fact usually this is the case.

Q. Well, you are a political scientist. Isn't it true that sometimes Catholics won't vote for Protestants?

A. Excuse me, Catholics will vote for Protestants?

Q. I say—listen to me, Doctor.

A. Okay.

Q. Isn't it true that in—just in your experience, and certainly in your area of academic excellence, isn't it [156] sometimes true that Catholics don't vote for Protestants, or Protestants don't vote for Catholics?

A. Oh, I suppose that that is sometimes true. However, not anywhere to the extent that we have racial divisions. Race is the major demographic variable in American politics.

Q. Everywhere—

A. There is no other division in American politics that even comes close to it.

Q. Everywhere—

THE COURT: Did you ever hear of Mayor Daley in Chicago?

THE WITNESS: Me?

THE COURT: Yes.

THE WITNESS: Have I heard him?

THE COURT: Have you ever heard of him, I said?

THE WITNESS: Senior or junior? The current one or the previous one? I have heard of both.

THE COURT: Both.

THE WITNESS: Okay.

THE COURT: Did you ever hear of a man named Boss Hague in Jersey City, New Jersey?

THE WITNESS: Yes.

THE COURT: Did you ever hear what used to happen the Sunday before elections in every Catholic parish in Jersey City?

[157]

THE WITNESS: Well, I don't know for sure, but I assume that there was probably a visit to the church.

THE COURT: I said in every Catholic parish?

THE WITNESS: No.

THE COURT: It was a visit to the church. Did you ever hear what happened in those churches?

THE WITNESS: I guess that I have not heard that.

THE COURT: You haven't, and you have a Ph.D. from the University of Kentucky? No wonder they didn't win the basketball tournament this year. I just thought of those two examples as a result of his questions. You have not heard of that kind of discrimination?

THE WITNESS: No. I mean I don't know what happened at Catholic parishes a week before elections, or the Sunday before elections in Jersey City, no.

THE COURT: You don't know anything about—

THE WITNESS: I am fairly familiar with Chicago, but—

THE COURT: What happened there?

THE WITNESS: When, before elections?

THE COURT: Yes. What happened in 1968 there, or late 1960 there?

THE WITNESS: I don't recall what happened in 1960.

THE COURT: All right. I was thinking about the presidential election in 1960.

[158]

THE WITNESS: Oh,

THE COURT: You are a political scientist.

THE WITNESS: Well, I mean—I assume at that point you are talking about late election returns being reported.

THE COURT: I am talking about the same subject that Mr. Thornton is asking you about, sir.

THE WITNESS: Whether Catholics vote for Protestants, or whether there are times when they don't? I mean—

THE COURT: Well, the question is there. I am not going to restate the question for you, sir. You either answer it or you don't answer it. I don't care. You do or don't.

THE WITNESS: Well, I thought you were asking if there were times when Catholics don't vote for Protestants, and I said that I suspect that that can be the case.

THE COURT: You don't know of any instance though, is that what you are saying?

THE WITNESS: When Catholics didn't vote for Protestants? Catholics voted for Kennedy in 1960, but not to the percentage, I don't believe, that we generally find African Americans voting for African Americans, nor were Protestants as opposed as we usually find along racial lines. I still maintain that race is a far more serious demographic [159] division in American politics than religion.

THE COURT: All right, sir, thank you. I hear your opinion.

BY MR. THORNTON:

Q. Doctor Engstrom—

THE COURT: Please don't misunderstand me. The court has no opinion on this. I am just asking you for your knowledge.

BY MR. THORNTON:

Q. As a political scientist, do you have an opinion as to whether or not separating races and focusing on the differences, and assigning black majority and white majority districts on the basis, say, of proportion in the population, do you have an opinion as to whether that ameliorates and eases racial hostility, or would you think that it might increase or exacerbate hostility?

A. I believe that over time, if it provides African Americans with an opportunity to elect candidates of its—of their choice, I think that it will ameliorate it. I think that as we see African Americans elected to public office, and serving in public office, some of the fears of white voters will recede, and the horrible things that they may expect to result from the elections of blacks,

at least among some white voters, will recede into the background, and we will probably, at that point, hopefully in the future, begin [160] to have elections that are driven less by race.

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Testimony of Government's witness Dr. Richard L. Engstrom—Redirect Examination by the Government

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[166]

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Q. Doctor Engstrom, when Mr. Thornton was asking you about whether you conversed with the candidates, and visited the parish, knew anything about the campaign issues, is it a standard practice in your area of expertise and its statistical methodology in analyzing electoral behavior to look at these kinds of factors in your study?

A. It would depend on the research question being addressed. If one is trying to do a causal analysis of why voters vote the way that they do, then one would certainly go on and look at other variables.

But if one is simply addressing an empirical question, do African American voters and non-African American voters have different candidate preferences, then that is not the appropriate analysis.

You simply look at the voters, and the way that the votes have been cast, and using the best available data that you can obtain, see if there are indications of whether you can identify those candidate choices, and whether they are different.

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Testimony of Defendant-Intervenors' witness William S. Cooper—Cross Examination by the Plaintiff

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Q. Now listen to me very carefully. In Cooper one and Cooper two, was your motive in drawing those districts as you drew them, and splitting the precincts as you have described, were you trying to draw it in such a way that there would be two majority black districts?

A. I was asked to assess whether or not it was possible to create two majority black districts using traditional redistricting criteria, and yes, that was the result.

Q. That was your instructions?

A. Right.

Q. All right.

THE COURT: What are the traditional criteria in [178] your view?

THE WITNESS: Well, in my opinion the three fundamental criteria are one person one vote, making sure that the deviation for a particular district does not exceed five percent, assuring that a district is contiguous. In other words, that all pieces are joined together.

And finally I think in an area where there is a significant minority population, you have to follow the Voting Rights Act and produce a majority black district, providing that it can be done. There are places where it cannot be done, but in the case of Bossier Parish I believe that it could be done there.

THE COURT: Is there anything about compactness?

THE WITNESS: Compactness is a very fuzzy term. I try to make the district as shapely as possible, but in point of fact you are frequently dealing with oddly shaped jurisdictional boundaries, oddly shaped municipal our county boundaries, I should say, oddly shaped precincts.

The distribution of population can be kind of unusual, so that it is really very, very difference to look at a plan and signal out a district and say that it is not compact or that it is compact without knowing a little bit more about what is beneath the lines so to speak.

THE COURT: So the court's use of the words compactness are not necessarily correct?

[179]

THE WITNESS: Well, I think that it is laudable goal, and I sort of know what compactness is, as we sort of know what beauty is and truth is, but it is very hard to define, and ultimately, I attempt to make a district as shapely as possible, as square and neatly bounded.

But I don't — I don't employee, for example, a measure of compactness to determine whether or not a district meets a certain compactness standard, nor do most governing bodies that I encounter. It is highly unusual to ever see a jurisdiction — in fact, I have never seen a jurisdiction produce a compactness measure as a part — as part of their redistricting process at the local level anyway.

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WEST'S LOUISIANA STATUTES ANNOTATED
LOUISIANA REVISED STATUTES (1995)

TITLE 17. EDUCATION

CHAPTER 1. GENERAL SCHOOL LAW

PART II. PARISH SCHOOL BOARDS

SUBPART A. ESTABLISHMENT AND ORGANIZATION

§ 52. Election and qualification of members; term of office

A. There shall be elected by the qualified voters of each parish police jury ward, or the equivalent thereof, of each parish of the state a member of the school board of the parish for each police juror in said ward, or the members of a parish school board shall be elected by the qualified voters in accordance with the school board reapportionment plan then in effect as authorized by law, or the members of a parish school board shall be elected in accordance with any special law applicable to the board, as the case may be. Members of parish school boards shall be elected at the congressional elections. Members elected in 1986 and thereafter shall serve four-year concurrent terms beginning January 1 following their election.

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WEST'S LOUISIANA STATUTES ANNOTATED
LOUISIANA REVISED STATUTES (1995)

TITLE 17. EDUCATION

CHAPTER 1. GENERAL SCHOOL LAW

PART II. PARISH SCHOOL BOARDS

SUBPART A-1. REAPPORTIONMENT AND REORGANIZATION

[The following is from the 1982 Main Volume:]

§ 71.3. Procedure for accomplishing reapportionment; special election districts; effective date of same

A. Each of the parish and city school boards shall use the federal census of 1970 as the basis upon which to accomplish reapportionment, provided however, that each of said school boards may authorize the taking of a special census to use as a basis for reapportionment. To this end, each of said school boards may employ qualified firms to take such special census, and may employ such other consultants, attorneys, etc. as it deems desirable in order to assist such board in such reapportionment.

B. Each of said boards, after determining the number of members of said board after reapportionment is to be effective, may create such special school board election districts as it deems desirable, which districts need not be coterminous with, nor have any relation to, the wards or precincts that may be created by the police jury or cities or towns within and for said parish or city, but any such special school board election districts created as a result of this Subpart must be compact and contiguous. The board may provide that all or part of its members shall be elected from such districts and may provide

that one or more of its members may be elected at large from each of such districts.

C. Repealed by Acts 1980, No. 285, § 9, eff. July 14, 1980.

D. The special school board election districts provided for herein shall be for the purpose only of electing school board members and shall not be for the purpose of levying taxes or issuing bonds. The creation of such special election districts shall not affect existing tax or bonding districts and same shall remain in full force and effect as otherwise provided by law.

Added by Acts 1968, No. 561, § 1. Amended by Acts 1970, No. 319, § 1, emerg. eff. July 13, 1970 at 2:00 P.M.; Acts 1975, No. 432, §1.

WEST'S LOUISIANA STATUTES ANNOTATED
LOUISIANA REVISED STATUTES (1995)

TITLE 17. EDUCATION

CHAPTER 1. GENERAL SCHOOL LAW

PART II. PARISH SCHOOL BOARDS

SUBPART A-1. REAPPORTIONMENT AND REORGANIZATION

[The following is from the 1995 Pocket Part:]

§ 71.3. Procedure for accomplishing reapportionment, special election districts; effective date of same

[See main volume for A]

B. Each of said boards, after determining the number of members of said board after reapportionment is to be effective, may create such special school board election districts as it deems desirable. These districts need not be conterminous with the wards that may be created by any governing authority, but any such special school board election districts created as a result of this Subpart shall be compact and contiguous. After January 1, 1984 the boundaries of such election districts shall contain whole election precincts established by the parish governing authority under R.S. 18:532 or 532.1. The board may provide that all or part of its members shall be elected from such districts and may provide that one or more of its members may be elected at large from each of such districts.

Amended by Acts 1982, No. 558 § 1, eff. July 22, 1982.

[See main volume for C and D]

E. (1) The boundaries of any election district for a new apportionment plan from which members of a

school board are elected shall contain whole precincts established by the parish governing authority under R.S. 18:532 or 532.1.

(2)(a) Notwithstanding the provisions of R.S. 17:71.3(E)(1) or any other law to the contrary, if a school board is unable to meet the federal guideline of plus or minus five percent deviation in the creation of its reapportionment plan through the use of whole precincts, the school board may, in the creation of its reapportionment plan, divide a precinct into portions which are bounded by visible features which are census tabulation boundaries. No such precinct shall be divided into more than two school board districts. No school board district shall contain more than two divided precincts.

(b) The provisions of this Paragraph shall be applicable only in cases in which the number of members of the school board is not equal to the number of members of the parish governing authority of the parish in which the school board is domiciled.

(c) The provisions of this Paragraph shall not be construed as authority for a school board which has adopted or accomplished reapportionment or is able to reapportion itself using whole precincts to divide precincts. Any plan adopted by a school board in contravention of this Subsection shall be null and void.

(d) The provisions of this Paragraph shall become null and void on December 31, 1992, unless a school board receives an objection letter to its reapportionment plan from the Department of Justice. In such event the school board shall use the provisions of this Paragraph to satisfy the objections of the Department of Justice if said objections would require a precinct to be divided and the provisions of this Paragraph shall be null and void after such reapportionment is complete.

(3)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection or any other law to the contrary, if a school board is unable to meet the federal guideline of plus or minus five percent deviation in the creation of its reapportionment plan through the use of whole precincts, the school board may create school board election districts that subdivide one or more precincts. No such precinct shall be subdivided into more than two school board districts. No school board district shall contain more than two subdivided precinct portions in addition to any whole precincts contained therein.

(b) The provisions of this Paragraph shall be applicable only in parishes having a population of ten thousand or fewer according to the latest decennial census and in which there are fifteen or fewer election precincts.

(c) The provisions of this Paragraph shall not be construed as authority for a school board which is able to reapportion itself using whole precincts to subdivide precincts. Any plan adopted by a school board in contravention of this Subsection shall be null and void.

(d) The provisions of this Paragraph shall become null and void on December 31, 1993, provided that if the United States attorney general objects to the reapportionment plan of a school board operating under the provisions of this Paragraph, the school board may act under the provisions of this Paragraph to create a reapportionment plan to which the attorney general interposes no objection, if the plan would require one or more precincts to be subdivided. Following the adoption of such plan, the provisions of this Paragraph shall be null and void.

Added by Acts 1992, No. 925, § 1. Amended by Acts 1993, No. 286, § 1, eff. June 2, 1993.

WEST'S LOUISIANA STATUTES ANNOTATED
LOUISIANA REVISED STATUTES (1995)

TITLE 18. LOUISIANA ELECTION CODE

CHAPTER 5. PRIMARY AND GENERAL ELECTIONS

PART II. ELECTION OFFICIALS

SUBPART A. GENERAL PROVISIONS

§ 425.1. Consolidation of polling places; reduction of voting machines and election officials

A. Notwithstanding the provisions of R.S. 18:424 and 425 or any other provision of law to the contrary, in an election, including the election of any public official, where more than one polling place is within the same location, the parish board of election supervisors may consolidate polling places in that location for that election and may reduce the number of voting machines to be used in the election below the number fixed by R.S. 18:1363 and, in such case, shall notify the parish custodian of voting machines and the commissioner of elections of the number of machines to be prepared and delivered for the polling places so consolidated.

B. When the parish board of election supervisors consolidates polling places as authorized by Subsection A of this Section, it shall appoint a commissioner-in-charge to serve at each such consolidated polling place and may reduce to not less than two the number of commissioners and alternate commissioners to be appointed to serve at each such polling place.

Added by Acts 1986, No. 705, § 1.

WEST'S LOUISIANA STATUTES ANNOTATED
LOUISIANA REVISED STATUTES (1995)

TITLE 18. LOUISIANA ELECTION CODE

CHAPTER 5. PRIMARY AND GENERAL ELECTIONS

PART V. VOTERS AND VOTING

SUBPART B. PLACES FOR VOTING

§ 532. Establishing of precincts

A. Subject to the provisions of R.S. 18:532.1 and 1903, the governing authority of each parish shall establish precincts, define the territorial limits for which each precinct is established, prescribe their boundaries, and designate the precincts. The governing authority of each parish shall be ordinance adopt the establishment and boundaries of each precinct in accordance with the timetable as set forth herein and in accordance with R.S. 18:532.1.

B. (1) Each precinct shall be a contiguous, compact area having clearly defined and clearly observable boundaries coinciding with visible features readily distinguishable on the ground such as designated highways, roads, streets, rivers, or canals, except where the precinct boundary is coterminous with the boundary of a parish or an incorporated place when the boundaries of a single precinct contain the entire geographic area of the incorporated place.

(2) No precinct shall be wholly contained within the territorial boundaries of another precinct, except that a precinct which contains the entire geographical area of an incorporated place and in which the total number of registered voters at the last general election was less than two hundred fifty may be so contained.

(3) No precinct shall contain more than two thousand two hundred registered voters within its geographic boundaries. Within thirty days after the completion of each canvass, the registrar of voters of each parish shall notify the parish governing authority of every precinct in the parish which contains more than two thousand two hundred registered voters within its geographic boundaries. Within sixty days of such notification, the parish governing authority shall divide such precincts by a visible feature in accordance with R.S. 18:532.1.

C. Each parish governing authority shall provide and maintain at all times a suitable map showing the current geographical boundaries with designation of precincts and a word description of the precinct geographical boundaries. Each parish governing authority shall send a copy of each map, with description attached, to the registrar of voters, the secretary of state, and the commissioner of elections. The map may be composed of one or more sheets but each sheet shall not exceed three feet by four feet. The map shall include all existing roads, streets, railroad tracks, and drainage features but shall not include underground utility lines, land use and zoning symbols or shadings, symbols for vegetation cover, topographic contour lines, and similar items that obscure the basic street pattern and names. All features, names, titles, and symbols on the map shall be clearly shown and legible. The map sheet of the entire parish shall be on a scale of one inch equals one mile to one inch equals two miles. Map sheets of each incorporated place within the parish shall be on a scale of one inch equals eight hundred feet to one inch equals sixteen hundred feet. Each map sheet shall indicate the date of the base map or the date of last revision. Wherever the boundaries of a precinct or incorporated place are coterminous, they shall be clearly indicated as such.

D. The parish governing authority shall also furnish, a map clearly indicating the boundaries of each parish governing authority district, school board district, special election district, representative district, and senate district.

E. (1) In complying with the provisions of this Section for the establishment of precincts and the prescription of their boundaries, each parish governing authority and registrar of voters shall coordinate with the secretary of the Senate and the clerk of the House of Representatives, or their designees, pursuant to their authority to submit a plan for census data for reapportionment under the provisions of Chapter 13 of Title 18 of the Louisiana Revised Statutes of 1950, and shall adopt or adjust precinct boundaries as may be necessary to comply with this Section.

(2) Each parish governing authority shall by ordinance adopt a proposal for the establishment or adjustment of precinct boundaries, in compliance with this Section, no later than June 15, 1986, provided that any establishment of a precinct or adjustment of a precinct boundary to comply with this Section shall be effective for the following purposes at the following times:

(a) Not later than January 1, 1990, for the purpose of establishing block boundaries for the 1990 federal decennial census.

(b) Not later than forty-five days prior to the opening date for qualifying as a candidate for any election held at the 1991 gubernatorial primary election, for all purposes. Within fifteen days after the adoption of the ordinance, the parish governing authority shall send to the secretary and the clerk a certified copy of the ordinance and a copy of a map showing the new boundaries together with a written description of such boundaries.

(3) If any parish governing authority fails to comply with the provisions of this Section by June 15, 1986, the secretary of the Senate and the clerk of the House of Representatives, or their designees, shall immediately notify the attorney general of such noncompliance. The attorney general shall, upon receipt of such notice, in accordance with R.S. 18:537 institute an action against said governing authority to compel compliance with this Section.

(4) Notwithstanding the provisions of R.S. 18:532.1(A) and (B) or any other law to the contrary, the proposed precinct boundaries submitted to the United States Bureau of the Census by a parish through the secretary of the Senate and the clerk of the House of Representatives or their designees, and approved by the Bureau of the Census as block boundaries for the 1990 Census, shall be the precinct boundaries of any parish in which the parish governing authority has failed to adopt by ordinance on or before December 31, 1988 a proposal for the establishment or adjustment of precinct boundaries as required by this Section. The precinct boundaries established pursuant to the provisions of this Paragraph shall be effective as provided in R.S. 18:532(E)(2).

Amended by Acts 1982, No. 559, § 1, eff. July 22, 1982; Acts 1985, No. 670, § 1, eff. July 16, 1985; Acts 1986, No. 286, § 1, eff. June 30, 1986; Acts 1988, No. 329, § 1; Acts 1988, No. 403, § 1, eff. July 10, 1988; Acts 1990, No. 629, § 1; Acts 1992, No. 788, § 1, eff. Jan. 1, 1993; Acts 1992, No. 803, § 1.

* * * *

§ 532.1 Changing precinct boundaries

A. The parish governing authority shall have author-

ity, in accordance with this Section, to change the configuration, boundaries, or designation of an election precinct. Any change so determined shall be adopted by ordinance of the parish governing authority. Within fifteen days after adoption of the ordinance, the parish governing authority shall send to the secretary of state a certified copy of the ordinance and a copy of the map showing the new precinct boundaries and designations together with a written description of such boundaries. The parish governing authority shall comply with the provisions of R.S. 18:1941 when changing precinct boundaries.

B. After June 15, 1986, a parish governing authority shall only change a precinct by dividing the precinct into two or more precincts except:

(1) Repealed by Acts 1990, No. 629, § 2.

(2) When in order to make it more convenient for voters to vote, or to facilitate the administration of the election process, or to accomplish reapportionment, it becomes necessary to consolidate all or part of a precinct with adjacent precincts, a part or parts may be consolidated but only when the parts that are joined are in the same voting district.

(3) Any establishment, division, or consolidation of precincts as provided in Paragraphs (1) and (2) herein shall be considered a change in precinct boundaries and shall be subject to the requirements of this Section.

C. (1) The parish governing authority shall comply with the provisions of R.S. 18:532(A), (B), and (C) when changing any precinct boundary. Prior to January 1, 1993, any precinct boundary resulting from an establishment of a precinct or precincts or change in precinct boundary shall coincide with a visible feature which is a tabulation boundary depicted on United States Bureau

of the Census maps prepared for the 1990 federal decennial census. After December 31, 1992, any precinct boundary resulting from an establishment of a precinct or precincts or change in precinct boundary shall coincide with a visible feature depicted on a base map that will be used by the United States Bureau of the Census to determine visible tabulation boundaries for the federal decennial census.

(2)(a) In determining features to be used as precinct boundaries, the parish governing authority shall consult with the secretary of the Senate and the clerk of the House of Representatives or their designees. The parish governing authority shall submit proposed changes in precinct boundaries to the secretary and the clerk or their designees on United States Bureau of the Census maps prepared for the 1990 federal decennial census and, where practicable, by electronic medium. No change in a precinct boundary may be made by the parish governing authority without prior review and approval by the secretary and the clerk or their designees, except as provided in this Subparagraph. Such review shall consist of a determination whether the proposed precinct change coincides with a visible feature depicted on a base map that will be used by the United States Bureau of the Census to determine visible tabulation boundaries for the federal decennial census.

(b) The secretary of the Senate and the clerk of the House of Representatives or their designees shall send a report of the findings resulting from the review to the parish governing authority within forty-five days after the receipt of the proposed precinct changes. If the secretary of the Senate and the clerk of the House of Representatives or their designees fail to respond within forty-five days after the receipt of the proposed

precinct changes, the proposed visible feature for precinct boundaries shall be deemed to be approved by the secretary of the Senate and the clerk of the House of Representatives or their designees.

(3)(a) In addition to the requirements of Paragraph (2) of this Subsection, when the proposed precinct change involves a consolidation authorized by Paragraph B(2) of this Section, prior to adoption by ordinance, the parish governing authority shall submit proposed changes of the consolidation to the commissioner of elections. No change in a precinct consolidation may be made by the parish governing authority without prior review and approval by the commissioner of elections, except as provided in this Subparagraph. Such review shall consist of a determination whether the proposed consolidation of the precincts establishes a precinct or precincts where all parts of each proposed new precinct are in the same voting district.

(b) The commissioner of elections shall send a report of the findings resulting from the review to the parish governing authority within forty-five days after the receipt of the proposed precinct changes. If the commissioner of elections fails to respond within forty-five days after the receipt of the proposed precinct consolidations, the proposed consolidations shall be deemed to be approved by the commissioner of elections. No precinct shall be consolidated until all local governing authorities and the parish or city school board within the area affected by the consolidation have completed redistricting and been precleared by the United States Department of Justice.

D. In accordance with R.S. 18:1903, on and after January 1, 1989, no election precinct shall be created, divided, abolished, or consolidated, or the boundaries thereof otherwise changed between January first of any

year which last digit is nine and December thirty-first of any year which last digit is zero, unless ordered by a court of competent jurisdiction.

E. (1) A precinct shall not be changed, and no precinct shall be established or altered in any way as a result of annexation, alphabetical division by voter surname, or otherwise during the period commencing on the date the qualifying period opens and ending on the date of the general election.

(2) For an election which is exclusively for bonds, taxes, and other propositions or questions and for no other kind of election, a precinct shall not be changed during the period commencing on the forty-sixth day prior to the election and ending on the date of the election.

(3) No precinct change that is made prior to the date the qualifying period opens or, in the case of an election exclusively for bonds, taxes, and other propositions or questions, prior to the forty-sixth day before the election shall become effective for those elections, respectively, unless the information required in Subsection A herein, including a statement of no objection to the change from the United States attorney general, is received by the secretary of state prior to the date the qualifying period opens or prior to the forty-sixth day before the election, as the case may be.

F. Within fifteen days after the adoption of the ordinance as provided in the Section, the parish governing authority shall send to the secretary of the Senate and the clerk of the House of Representatives as well as the secretary of state and commissioner of elections a certified copy of the ordinance and a copy of a map showing the new precinct boundaries together with a written description of such boundaries.

G. Repealed by Acts 1993, No. 418, § 2, eff. Jan. 1, 1994.

H. The provisions of this Subsection shall supercede the provisions of R.S. 18:532.1(A), (B), (D), and R.S. 18:1903, and any other law to the contrary.

(1) The precinct boundaries submitted to the United States Bureau of the Census by a parish through the secretary of the Senate and the clerk of the House of Representatives or their designees, and approved by the Bureau of the Census as block boundaries for the 1990 Census, shall not be divided, abolished, consolidated, or the boundaries otherwise changed until after December 31, 1992, unless ordered by a court of competent jurisdiction.

(2) Notwithstanding the provision contained in R.S. 18:532.1(H)(1), if a parish is unable to meet applicable state and federal guidelines in the creation of its reapportionment plan, such parish may divide a precinct into two or more precincts by a visible feature which is a census tabulation boundary during the time period of April 1, 1991 through May 15, 1991.

(a) Such parish shall include such precinct changes in its ordinance defining such reapportionment plan.

(b) A certified copy of the ordinance including any such precinct changes and reapportionment plan must be sent to the secretary of state, the secretary of the Senate, the clerk of the House of Representatives, and the registrar of voters of the parish within fifteen days after the adoption of the ordinance.

(c) In the event that the Department of Justice objects to a parish reapportionment plan, such parish may divide a precinct into two or more precincts by a visible feature which is a census tabulation boundary in

order to satisfy said objections of the Department of Justice.

(d) Such precincts shall not be divided, abolished, or consolidated or the boundaries otherwise changed during the time period of September 1, 1991 through December 31, 1992.

Added by Acts 1982, No. 559, § 1, eff. July 22, 1982. Amended by Acts 1985, No. 670, § 1, eff. July 16, 1985; Acts 1986, No. 286, § 1, eff. June 30, 1986; Acts 1987, No. 831, § 1, eff. Jan. 1, 1988; Acts 1988, No. 329, § 1; Acts 1988, No. 909, § 1; Acts 1990, No. 288, § 1, eff. July 5, 1990; Acts 1990, No. 629, § 1; Acts 1992, No. 803, § 1; Acts 1993, No. 418, § 1, eff. Jan. 1, 1994.

WEST'S LOUISIANA STATUTES ANNOTATED
LOUISIANA REVISED STATUTES (1995)

TITLE 18. LOUISIANA ELECTION CODE

CHAPTER 8-A. ELECTION EXPENSES

§ 1400.1 Election costs paid by secretary of state; governing authorities; reimbursement

A. The cost of ballots and election materials used in gubernatorial and congressional elections, whether or not a gubernatorial or congressional candidate appears on the ballot, shall be paid by the state from funds appropriated to the secretary of state for that purpose, except that when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of the cost of ballots and election materials. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

B. (1) The cost of ballots and election materials used in any special election when any of the following appear on the ballot shall be paid by the state from funds appropriated to the secretary of state for that purpose:

(a) A state candidate, as defined in R.S. 18:452(1).

(b) A candidate for the state legislature.

(c) A candidate for judge of a judicial district court or juvenile court or a candidate for judge of the criminal district or civil district court for Orleans Parish.

(d) A candidate for the office of district attorney.

(e) A proposed constitutional amendment.

(2) Notwithstanding the provisions of Paragraph (1), when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of the cost of ballots and election materials. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

C. (1) The cost of ballots and election materials used in any election not provided for in Subsections A and B of this Section shall be paid by the appropriate governing authority that relates to the character of the office or the issue involved in such election.

(2) In any special election called only by a local governing authority or only by a parish or city school board solely for the purpose of voting on a proposition under Chapter 6–A of this Title, a fee of five dollars per certificate and two dollars per page shall be paid to the secretary of state for recording the process verbal as required by R.S. 18:1293.

(3) To administratively facilitate the payment of costs as provided in this Subsection, the secretary of state may initially pay such costs; however, the appropriate governing authority shall reimburse all such costs to the secretary of state, and all monies so received by the secretary of state shall be remitted to the state treasurer. If more than one governing authority is involved in an

election, the secretary of state shall prorate the reimbursable costs among the governing authorities as equitably as possible.

Added by Acts 1983, No. 681, § 1, eff. July 21, 1983. Amended by Acts 1986, No. 783, § 1, eff. July 10, 1986; Acts 1990, No, 107, § 1, eff. Jan. 1, 1991; Acts 1992, No. 963, § 1.

* * * * *

§ 1400.2. Election costs paid by commissioner of elections; governing authorities; reimbursement

A. The costs of publication of the location of polling places; of renting polling places; of drayage; of setting up voting machines; of compensating commissioners and deputy parish custodians; and of transmitting election returns for gubernatorial and congressional elections, whether or not a gubernatorial or congressional candidate appears on the ballot, shall be paid by the state from funds appropriated to the commissioner of elections for that purpose except that when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

B. (1) The cost of publication of the location of polling places; of renting polling places; of drayage; of setting up voting machines; of compensating commissioners and

deputy parish custodians; and of transmitting election returns for any special election when any of the following appear on the ballot shall be paid by the state from funds appropriated to the commissioner of elections for that purpose:

(a) A state candidate as defined in R.S. 18:452(1).

(b) A candidate for the state legislature.

(c) A candidate for judge of a judicial district court or juvenile court or a candidate for judge of the criminal district or civil district court for Orleans Parish.

(d) A candidate for the office of district attorney.

(e) A proposed constitutional amendment.

(2) Notwithstanding the provisions of Paragraph (1), when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

C. (1) The cost of publication of the location of polling places; of renting polling places; of drayage; of setting up voting machines, which cost shall be ten dollars per machine; of compensating commissioners and deputy parish custodians; and of transmitting election returns for any election not provided for in Subsections A and B of this Section shall be paid by the appropriate governing authority that relates to the character of office or issue involved in such election. Except as provided in

Paragraph (2) of this Subsection, if more than one governing authority is involved in an election, a statement of such expenses shall be transmitted to each governing authority involved in the election and payment thereof shall be prorated among the governing authorities as equitably as possible.

(2) To administratively facilitate the payment of costs with respect to elections as provided in this Subsection, the commissioner of elections may initially pay such costs; however, the appropriate governing authority shall reimburse all such costs to the commissioner of elections, who shall remit all such funds to the state treasurer. If more than one governing authority is involved in an election, the commissioner of elections shall prorate its reimbursable costs among the governing authorities as equitably as possible.

Added by Acts 1983, No. 681, §1, eff. July 21, 1983. Amended by Acts 1986, No. 426, § 1; Acts 1986, No. 783, § 1, eff. July 10, 1986; Acts 1988, No. 909, § 1, eff. Jan. 1, 1989; Acts 1990, No. 107, § 1, eff. Jan. 1, 1991; Acts 1992, No. 963, §1.

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§ 1400.3 Election expenses incurred by clerks of court and registrars of voters; payment by commissioner of elections; payment by governing authorities

A. Election expenses incurred by clerks of court and registrars of voters for gubernatorial and congressional elections, whether or not a gubernatorial or congressional candidate appears on the ballot, shall be paid by the state from funds appropriated to the commissioner of elections for that purpose, except that when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state

shall be required to pay one-half of such costs. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

B. (1) Election expenses incurred by clerks of court and registrars of voters for any special election when any of the following appear on the ballot shall be paid by the state from funds appropriated to the commissioner of elections for that purpose:

(a) A state candidate, as defined in R.S. 18:452(1).

(b) A candidate for the state legislature.

(c) A candidate for judge of a judicial district court or juvenile court or a candidate for judge of the criminal district or civil district court for Orleans Parish.

(d) A candidate for the office of district attorney.

(e) A proposed constitutional amendment.

(2) Notwithstanding the provisions of Paragraph (1), when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

(C) (1) Election expenses incurred by clerks of court and registrars of voters for any election not provided for in Subsections A and B of this Section shall be paid by the appropriate governing authority that relates to the character of office or issue involved in such election. Except as provided in Paragraph (2) of this Subsection, if more than one governing authority is involved in an election, a statement of such expenses shall be transmitted to each governing authority and payment thereof shall be prorated among the governing authorities as equitably as possible.

(2) To administratively facilitate the payment of costs with respect to elections as provided in this Subsection, the commissioner of elections may initially pay such costs; however, the appropriate governing authority shall reimburse all such costs to the commissioner of elections, who shall remit all such funds to the state treasurer. If more than one governing authority is involved in an election, the commissioner of elections shall prorate its reimbursable costs among the governing authorities as equitably as possible.

D. For the purposes of this Section, "election expenses incurred by registrars of voters" is defined and limited to the following:

(1) Expenses incurred by a registrar of voters to pay for one or more temporary part-time clerical employees to perform election duties and responsibilities associated with his office as provided in this Title. Such employees shall be paid at an hourly rate established by the registrar at not to exceed that of a Voter Registration Specialist in the General Schedule at the entry level as specified in the classification and pay plan of the Louisiana Department of Civil Service.

(2) Expenses incurred by a registrar of voters to pay a permanent employee below the level of chief deputy and confidential assistant to perform election duties and responsibilities associated with his office during other than normal hours of operation of his office.

(3) Expenses of an extraordinary nature incurred by a registrar of voters for an election which have received prior approval of the commissioner of elections.

E. For the purpose of this Section, "election expenses incurred by clerks of court" is defined and limited to the following:

(1) Actual expenses incurred by a clerk of court to publish notices required by law in the official journal of the parish and, to insure maximum coverage, in any other journal of the parish or political subdivision thereof. Information contained in such notices shall be limited to that required by law. The commissioner of elections shall prescribe the size of such notices which shall be uniform throughout the state.

(2) Itemized expenses incurred by a clerk of court to conduct the general courses of instruction for commissioners as provided in R.S. 18:431(A) and the course of instruction for commissioners-in-charge as provided in R.S. 18:433(A).

(3)(a) Documented expenses incurred by a clerk of court to perform or fulfill election duties imposed by law. For the purpose of this Paragraph, such expenses shall include the following:

(i) Expenses for postage and office supplies used in connection with an election or used to fulfill an election duty imposed by law.

(ii) Expenses for rental space and instructional paraphernalia to conduct schools of instruction for commissioners and commissioners-in-charge.

(iii) Expenses for personnel used in connection with an election or used to fulfill an election duty imposed by law. Such expenses shall be itemized and reimbursement shall be authorized only for work not performed during regular office hours of the clerk of court.

(iv) Incidental expenses incurred in conducting the general courses of instruction for commissioners and the course of instruction for commissioners-in-charge. Reimbursement for such expenses shall be limited to one hundred dollars per general commissioner school and one hundred dollars for the commissioner-in-charge school. Maximum reimbursement to a clerk of court for conducting such schools shall be limited to three hundred dollars per calendar year and all reimbursements shall be deposited in the general fund of the clerk of court.

(b) The commissioner of elections shall establish rules and regulations governing reimbursement for expenses set forth herein and may establish rules and regulations to add other categories of reimbursable expenses. All reimbursements shall be deposited in the general fund of the clerk.

(4) Expenses of an extraordinary nature incurred by a clerk of court for an election which have received prior approval of the commissioner of elections.

Added by Acts 1983, No. 681, § 1, eff. July 21, 1983. Amended by Acts 1986, No. 669, § 1; Acts 1986, No. 783, § 1, eff. July 10, 1986; Acts 1988, No. 909, § 1, eff. Jan. 1, 1989; Acts 1990, No. 107, § 1, eff. Jan. 1, 1991; Acts 1992, No. 963, § 1.

Supreme Court of the United States

No. 95-1455

JANET RENO, ATTORNEY GENERAL, APPELLANT

v.

BOSSIER PARISH SCHOOL BOARD, ET AL.

[Filed June 3, 1996]

APPEAL from the United States District Court for the District of Columbia.

The statement of jurisdiction in this case having been submitted and considered by the Court, in this case probable jurisdiction is noted.

Supreme Court of the United States

No. 95-1508

GEORGE PRICE, ET AL., APPELLANTS

v.

BOSSIER PARISH SCHOOL BOARD, ET AL.

[Filed June 3, 1996]

APPEAL from the United States District Court for the District of Columbia.

The statement of jurisdiction in this case having been submitted and considered by the Court, in this case probable jurisdiction is noted.